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## NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 18th March 1952 :—

Issue No.	No. and Date	Issued by	Subject
51	S. R. O. 433, dated the 7th March 1952.	Ministry of States	Appointing the 8th March 1952 as the day on which certain Sections of Part C States Act, 1951 shall come into force in the State of Himachal Pradesh.
52	S. R. O. 434, dated the 10th March 1952.	Ministry of Law	Further amendments made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

## PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).**

### MINISTRY OF LAW

*New Delhi, the 15th March 1952*

**S.R.O. 478.—Corrigendum.**—At pages 443R—443AC of the *Gazette of India Extraordinary*, dated the 25th January, 1950, containing the Ministry of Law Notification publishing S.O. 35, the provinces and States (Absorption of Enclaves) Order, 1950, the following further corrections shall be made:—

In paragraph VI of the Second Schedule to the Order, on page 443Y, for items 1, 2 and 3 read:—

1. "1. The following villages of Madakasira Taluk of Anantapur District:—

Burdakunte, Palayam, Bettur, Kanajanahalli, Bettagaudawahalli, Honnapuram, Kotagerlahalli, Bullasamudram, Bhimanakunta, Sarjammanahalli, Badigondanahalli, Virpugoodanahalli, Erragattupalim, Bullasamudram and

The following villages of Hindupur Taluk of Anantapur District:—

Chowtikuntapalli and Narasapuram.

2. The following villages of Salem District:—

Morasur (Inam), Naginakkanapalli, Agraharam, Madivalam, Adasundathi, Bandapuram, Settupalli, Patheer, Ettakodi, Araleri, Angisettipalli, Kariganthimmanapalli, Upparapalli, Kuntanapali, Gerigidapalli (Inam), Rayasandiram, Tholasandhodi, Theerthabundapalli, Tholakanapalli, Byanapalli and Thusandapalli.

3. The following villages of Coondapur Taluk of South Kanara District:—  
Hebbige, Nagodi and Koteshrur with their respective hamlets."

In paragraph VII of the Second Schedule to the Order, on page 443Y, for items 1 and 2 read:—

"1. The following areas of Tirunelveli District:—

Anjengo (311.22 acres), Thangasserl (98.80 acres) and Panagudi (15.04 acres).

2. The following areas of Malabar District:—

Theneri (82.58 acres), Vadavanur (63.89 acres), Peruvemba (51.72 acres), Kootallur (4.81 acres), Elapully (34.89 acres), Elavancheri (6.06 acres), Panayur (11.84 acres) and Palathulli (1.62 acres)."

In paragraph I of the Third Schedule to the Order, on page 443AA, for items 1 to 4 read:—

"1. The following villages of Molakalmurru Taluk, Chittaldurg District:—

Jodi Kasenalkannahalli, Gauripura, Jodi Bommenahalli, Bommagatta, Sarva Inam Oblapura and Devarabudenahalli.

2. The following villages of Bangarpet Taluk, Kolar District:—

Vardikuppa, Bayapparaddihalli, Jodi Volgalkuppa, Khayamgutta Harakchinna-palli, Hosapete, Gollahalli and Chinnaradoddi.

3. Kaladasapura village of Malur Taluk, Kolar District.

4. Badagalpur village of Chamrajnagar Taluk."

In paragraph VIII of the Third Schedule to the Order, on page 443AC, for item 1 read:—

"1. The following areas of former Cochin State:—

Isolated bit of Nallepally village (116.33 acres), Isolated bit of Chittoor vil-lage (31.99 acres), Thattamangalam village (159.74½ acres) and Vallanazhi village (51.19 acres)."

**S.R.O. 479.—Corrigendum.**—At pages 443AC—443AI of the *Gazette of India Extraordinary*, dated the 25th January, 1950, containing the Ministry of Law Noti-fication publishing S.O. 36, the India and Hyderabad (Exchange of Enclaves) Order, 1950, the following corrections shall be made:—

For Part A of the First Schedule to the Order, on page 443AG, read:—

**"PART A**

*Hyderabad enclaves in Madras*

The following villages of Madhira Taluk, Warrangal District:—

Kodavatikallu including the hamlet Kondapeta; Ustepalli; Partiala with its hamlet Nakalampeta; Battinapadu; Moguluru; Ganiatkur with its hamlet peta; Ganugapadu with its hamlets Tekulapalli, Chikkalgudem, Pullerlamoodu, Santepalli and Kotturu; Boruvancha; Mallavelli and Pullampadu."

For Part A of the Second Schedule to the Order, on page 443AH, read:—

**"Part A**

*Madras enclaves in Hyderabad*

The following villages of Krishna District:—

Lingagiri (with hamlets Seetarampuram and Sreenivasapuram), Amaravaram (with hamlet Anjaneepuram), Lakkavaram, Ganugabanda (with hamlet Kondayagudem), Sarvavaram (with hamlet Lakshmiapuram), Kalavapalli (with hamlet Kastavarigudem), Molugumadu, Mallavaram and Rompimalla."

**B. G. MURDESHWAR, Dy. Secy.**

## MINISTRY OF HOME AFFAIRS

New Delhi, the 15th March 1952

**S.R.O. 480.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendments shall be made in the Rules published with the notification of the Government of India in the late Home Department, No. F.9-19/30-Ests., dated the 27th February, 1932, namely:—

In the Schedule annexed to the said Rules, under the head "LEGISLATIVE DEPARTMENT", for the entries under the sub-head "*Income-tax Appellate Tribunal*", the following entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
<i>" (i) At the Headquarters of the Tribunal—</i>				
Assistant Superintendent, Stenographers, Upper Division Clerks, Clerks and Typists.	President, Income-tax Appellate Tribunal.	Registrar, Income-tax Appellate Tribunal.	(i) and (v).	President, Income-tax Appellate Tribunal.
		President, Income-tax Appellate Tribunal.	All	Secretary, Ministry of Law.
Record Sorter, Daftries, Jamadars, Peons and other Class IV staff in the regular establishment.	Registrar, Income-tax Appellate Tribunal.	Registrar, Income-tax Appellate Tribunal.	All	President, Income-tax Appellate Tribunal.
<i>(ii) At other places—</i>				
Head Clerks, Stenographers, Upper Division Clerks, Clerks and Typists.	President, Income-tax Appellate Tribunal.	Assistant Registrar of the Bench concerned, and where there are more than one Bench, the senior-most Assistant Registrar.	(i) and (v).	Senior Member or the Bench concerned and where there are more than one Bench, the senior-most Member of all such Benches.
		President, Income-tax Appellate Tribunal.	All	Secretary, Ministry of Law.
Daftries, Jamadars, Peons and other Class IV staff in the regular establishment.	Registrar, Income-tax Appellate Tribunal.	Assistant Registrar of the Bench concerned, and where there are more than one Bench, the Senior most Assistant Registrar.	(i) and (v).	Senior Member of the Bench concerned, and where there are more than one Bench, the senior most Member of all such Benches.
		Registrar, Income-tax Appellate Tribunal.	All	President, Income-tax Appellate Tribunal.

[No. 7/16/51-Ests.]

C. B. GULATI, Under Secy.

## MINISTRY OF STATES

*New Delhi, the 15th March 1952*

**S.R.O. 481.**—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878) and all other powers enabling it in this behalf the Central Government hereby rescinds the notification of the Government of India in the Ministry of States, No. 208-D, dated 18th September 1951.

[No. 51-D.]

E. HERD, Under Secy.

*New Delhi, the 18th March 1952*

**S.R.O. 482.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

(1) Her Highness Rani Sahiba Kusum Kumari of Mandi, and (2) Yuvrani Sahiba Meena Devi of Mandi, members of the family of the Ruler of Mandi, for purposes of that Entry.

This Ministry's notification no. 7-D, dated 1st January 1952 is hereby cancelled.

[No. 53-D.]

**S.R.O. 483.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Tikka Daves Singh, a member of the family of the Ruler of Kotli State for purposes of that Entry.

[No. 54-D.]

**S.R.O. 484.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

(1) Rani Leila Ba Sahiba and (2) Rani Hemant Kunwar Sahiba of Jubbāl, members of the family of the Ruler of Jubbāl, for the purposes of that entry.

[No. 55-D.]

H. C. MAHINDROO, Under Secy.

*New Delhi, the 18th March 1952*

**S.R.O. 485.**—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Chief Commissioner of Tripura State shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of a State Government under the provisions of section 137 of the Code of Civil Procedure 1908 (V of 1908) in the State of Tripura.

[No. 52-J.]

A. N. SACHDEV, Under Secy.

## MINISTRY OF FINANCE

### CHARTERED ACCOUNTANTS

*New Delhi, the 19th March 1952*

**S.R.O. 486.**—In pursuance of clause (a) of sub-section (2) of section 9 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), the Central Government hereby specifies the following five Regional Constituencies for purposes of elections to the Council under the said clause, namely:—

1. The States of Bombay, Saurashtra and Kutch.

2. The States of Madras, Travancore-Cochin, Mysore, Hyderabad and Coorg.
3. The States of West Bengal, Assam, Orissa, Manipur and Tripura.
4. The States of Uttar Pradesh, Bihar, Madhya Pradesh, Bhopal, Rajasthan, Vindhya Pradesh and Madhya Bharat, and
5. The States of Delhi, Punjab, Ajmer, Himachal Pradesh and Patiala and East Punjab States Union.

[No. 73(1)-ICA/32.]

**S.R.O. 487.**—In pursuance of clause (a) of sub-section (2) of Section 9 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), the Central Government hereby specifies that elections to the Council under the said clause shall be held in the manner prescribed in Chapter V of the Chartered Accountants Regulations, 1949.

[No. 73(1)-ICA/52-A.]

B. K. KAUL, Dy. Secy.

### MINISTRY OF FINANCE (REVENUE DIVISION)

#### CUSTOMS

*New Delhi, the 13th March 1952*

**S.R.O. 488.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 6-Customs, dated the 18th January 1952, namely:—

In the Schedule appended to the said notification, for entries against serial Nos. 6 and 7 under the heading 'Port or Ports', the following entries shall be substituted, namely:—

"6. All ports except Bombay and the ports in the districts of Ahmedabad, Kaira, Broach, Surat and Amreli and the port of Kalai in the Thana district, situated in the State of Bombay.

7. All ports in the districts of Ahmedabad, Kaira, Broach, Surat and the port of Kalai in the Thana district, situated in the State of Bombay."

[No. 36.]

**S.R.O. 489.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 5-Customs, dated the 18th January 1952, namely:—

In the Schedule appended to the said notification, for entries 9 and 10. the following entries shall be substituted, namely:—

S. No. (1)	Port or Ports (2)	Designation of officer or officers (3)
9.	All ports except the port of Bombay and the ports in the districts of Ahmedabad, Kaira, Broach, Surat and Amreli and the port of Kalai in the Thana district, situated in the State of Bombay.	<p>(i) The Deputy Collector of Central Excise, Bombay.</p> <p>(ii) The Headquarters Assistant to the Collector of Central Excise, Bombay.</p> <p>(iii) The Assistant Collectors of Central Excise in charge of Divisions in the Bombay Central Excise Collectorate for Customs ports situated within their respective Divisions.</p>

(1)	(2)	(3)
10.	All ports situated in the districts of Ahmedabad, Kaira, Broach, Surat and the port of Kelai in the Thana district in the State of Bombay.	(i) The Deputy Collector of Central Excise, Baroda. (ii) The Assistant Collectors of Central Excise in charge of Divisions in the Baroda Central Excise (Collectorate for Customs ports situated within their respective Divisions."

[No. 37.]

E. RAJARAM RAO, Joint Secy.

### MINISTRY OF COMMERCE AND INDUSTRY

*New Delhi, the 10th March 1952*

**S.R.O. 490.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), the Central Government hereby directs that the following amendments shall be made in the notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 499, dated the 2nd September 1950, in so far as it relates to the fixation of maximum prices of bicycles, namely:—

1. In the Schedule annexed to the said notification after the entry relating to the 'Hercules India Bicycle' the following entry shall be inserted, namely:—

"Eastern Star Bicycle" "Rs. 177 per bicycle".

2. In the proviso to the said Schedule after clause (b) the following clause shall be added at the end, namely:—

"(c) In the case of a Eastern Star bicycle—

- (1) the maximum price is inclusive of the cost of saddle but exclusive of the cost of accessories such as stand, carrier, tool box and light;
- (2) the maximum price at any place other than Sonapat (Punjab) may exceed by a sum equal to the amount of freight paid or payable for the transport of the bicycle by goods train from Sonapat to the place of sale;
- (3) the maximum price specified in column (2) is exclusive of any sales tax, octroi, and any other local tax, impost or cess which may be charged extra".

[No. 3(2)-PC/52.]

C. R. NATESAN, Dy. Secy.

*New Delhi the 22nd March 1952*

**S.R.O. 491.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order after clause 31, the following clause shall be inserted, namely:—

"31A. (1) For the purpose of enforcing the provisions of this Order, the Textile Commissioner may direct the Officer-in-Charge of the Inspectorate of General Stores Laboratories, Bombay or Calcutta or of the Laboratories of the Chief Superintendent, Development Textiles and Clothing, Kanpur, to carry out or cause to be carried out such tests in relation to any cloth and yarn as may be specified by him;

(2) Where any direction is issued under sub-clause (1), the Officer-in-charge concerned shall make a report under his hand to the Textile

Commissioner in respect of any tests so carried out and any such report may be used as evidence in any trial for contravention of any of the provisions of this Order."

[No. 9(4)-CT(A)/52-4.]

**S.R.O. 492.—Corrigendum.**—In the Government of India, Ministry of Commerce and Industry Notification No. S.R.O. 348, published at page 327, of Part II—Section 3 of the Gazette of India, dated the 1st March, 1952, for the brackets and letter (c) read brackets and letter (d).

[No. 44(25)-CT(A)/51-(XXV).]

S. A. TECKCHANDANI, Under Secy.

*Bombay, the 18th March 1952*

**S.R.O. 493.—Corrigendum.**—In the Textile Commissioner's Notification No. S.R.O. 14, dated 31st December 1951 published at pages 5—23 of the Gazette of India Part II—Sec. 3 dated 5th January 1952:—

- (1) On page 5, in the opening paragraph of the Notification, for "Cotton Textile (Control) Order" read "Cotton Textiles (Control) Order".
- (2) On page 6, in column 7 of the Schedule 'A-11', against Group I, for "5 to 8" read "5 to 7".
- (3) On the page coming after page 15, for the page number "6" read "16".
- (4) On page 16, corrected as above in the last line, against the entry "any count between 2/60s to 2/80s Egyptian or equivalent" for "1; 3 annas" read "1·3 annas".
- (5) On page 21, for the heading "Schedule 'C'" read "Schedule 'C-11'".

[No. 9(9)-Tex.1/49.]

M. R. KAZIMI, Joint Textile Comnr.

### ORDERS

*New Delhi, the 17th March 1952*

**S.R.O. 494.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply S.R.C. No. 503, dated the 2nd September 1950 in so far as it relates to the fixation of maximum price of Soda Ash imported from France, the Central Government hereby fixes the following Schedule of maximum prices for 365 Cwts. of soda ash imported per s.s. 'Marseille' during January 1952, by Messrs. Jiva Kuka and Co., Princess Street, Bombay 2.

### SCHEDULE

Variety of soda ash	Maximum price that may be charged by the importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
Soda ash	Rs. 25-6-0 per cwt. Ex-godown F. O.R. Bombay.	The price specified in column 2 PLUS (a) actual railway freight by goods train or actual transport charges by sea from Bombay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

NOTE.—These prices are exclusive of local taxes such as Sales Tax, Octroi etc., which may be charged extra.

[No. PC-7(8)/52.]

**S.R.O. 495.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September 1950, in so far as it relates to the fixation of the maximum price of soda ash imported from the United States of America, the Central Government hereby fixes the following Schedule of maximum price of 50 tons of soda ash imported per s.s. 'Explorer' during January 1952 by Messrs. P. K. Javeri and Co., Shuruff Mansions, 2nd Floor, 32 Princes Street, Bombay 2.

#### SCHEDULE

Variety of soda ash	Maximum price that may be charged by the importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
Soda ash	Rs. 26-6-0 per cwt. Ex-godown F. O.R. Bombay.	The price specified in column 2 PLUS (a) actual railway freight by goods train or actual transport charges by sea from Bombay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

NOTE.—These prices are exclusive of local taxes such as Sales Tax, Octroi etc., which may be charged extra.

[No. PC-7(9)/52.]

**S.R.O. 496.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply S.R.O. No. 503, dated the 2nd September 1950, in so far as it relates to the fixation of the maximum price of soda ash imported from the United States of America, the Central Government hereby fixes the following Schedule of maximum price of 150 tons of soda ash imported per s.s. 'City of Oxford' during January 1952 by Messrs. P. K. Javeri and Co., Shuruff Mansions, 2nd Floor, 32 Princess Street Bombay 2.

#### SCHEDULE

Variety of soda ash	Maximum price that may be charged by the importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
Soda ash	Rs. 26-4-0 per cwt. Ex-godown F. O.R. Bombay.	The price specified in column 2 PLUS (a) actual railway freight by goods train or actual transport charges by sea from Bombay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

NOTE.—These prices are exclusive of local taxes such as Sales Tax, Octroi etc., which may be charged extra.

[No. PC-7(9)/52.]

P. S. SUNDARAM, Under Secy.



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**MINISTRY OF FOOD & AGRICULTURE**

*New Delhi, the 13th March 1952*

**S.R.O. 497.—Corrigendum.**—In this Ministry's Notification No. F.4-7/51-Dte.II(M), dated the 21st November, 1951, published in Part II,—Section 3 of the Gazette of India, dated the 1st December, 1951, on pages 2048 to 2050, the following corrections shall be made, namely:—

1. In the amendment at para I (b) between the words 'Panch Mahals' and 'protected areas' insert '.....'.
2. For the word 'Nansot' occurring in the seventh line of the preamble of Schedule III substitute the word 'Hansot'.
3. For the word 'Narmadda' occurring in the sixth line of the preamble of Schedule IV substitute the word 'Nerbudda'.
4. In Schedule IV, against "Agmark Certified Vijaya (1-2)" under the heading, "Special characteristics" in column 2 in item (a) omit the word "field" where it occurs for the second time.

[No. F. 4-7/51-Dte. II(M).]

T. M. GURBAXANI, Under Secy.

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*New Delhi, the 13th March 1952*

**S.R.O. 498.**—In exercise of the powers conferred by Section 4(5) (ix) of the Indian Lac Cess Act, 1930 (XXIV of 1930), the Central Government is pleased to nominate Shri K. S. Jaiswal of M/s. Mahadev Prasad Kashi Prasad, Mirzapur, Uttar Pradesh, to be a member of the Advisory Board of the Indian Lac Cess Committee to represent the Lac Manufacturing industry, vice Shri Ram Piarey Tiwari.

[No. F. 3-5/52-COM.I.]

*New Delhi, the 17th March 1952*

**S.R.O. 499.**—In exercise of the powers conferred by Section 4(4) (V) of the Indian Lac Cess Act, 1930 (XXIV of 1930), the Central Government is pleased to nominate Shri Bimala Kanta Bora, M.L.A., Nowgong, Assam as a member of the Governing Body of the Indian Lac Cess Committee with effect from 1st January 1952 to represent the cultivators of Lac in Assam.

[No. F. 4-49/51-COM.I.]

S. D. UDHRAIN, Under Secy.

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*New Delhi, the 22nd March 1952*

**S.R.O. 500.**—In pursuance of clause 11 of the Sugar and Gur Control Order 1950, the Central Government is pleased to direct that the powers conferred upon it under sub-clause (c) of clause 9 of the said Order, shall also be exercisable by all officers to whom "all the powers" or "all the powers except in respect of producers of sugar by vacuum pan process" under clause 9 of the said Order, were delegated vide Government of India in the late Ministry of Agriculture Notification No. S.R.O. 792 dated the 19th October 1950 as amended from time to time.

[SV-105(3)/51-52.]

P. A. GOPALAKRISHNAN, Jt. Secy.

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**MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH**

*New Delhi, the 10th March 1952*

**S.R.O. 501.**—Shri Kailash Chandra is appointed to be Secretary to the Central Electricity Board vice Shri H. Khorana.

[No. EL-II-206(12).]

A. N. KHOSLA, Chairman.  
Central Electricity Board.

*New Delhi, the 13th March 1952*

**S.R.O. 502.**—In exercise of the powers conferred by the proviso to sub-section (4) of section I of the Electricity (Supply) Act, 1948 (LIV of 1948), and in partial modification of notification No. E.I.II-1(35), dated the 27th March 1951, of the Government, of India in the Ministry of Natural Resources and Scientific Research, the Central Government hereby further extends the period of two years, referred to in the said sub-section upto and including 31st day of March 1953 in the case of all States in respect of which the said period of two years has expired, except the States of Madhya Pradesh and Delhi.

[No. E.I.II-1(55).]

A. R. KHANNA, Dy. Secy.

### MINISTRY OF REHABILITATION

#### Office of the Custodian of Evacuees' Property

*New Delhi, the 7th March 1952*

**S.R.O. 503.**—In pursuance of sub-section (2) of section 19 of the Administration of Evacuee Property Act 1950 (No. XXXI of 1950) it is hereby notified for general information that the persons whose names and addresses are noted below have been declared as intending evacuees under sub-section (1) of section 19 of the said Act.

S. No	Name	Address
19	Shri Noor-Ahmed, Bar-at-Law.	Ballimaran Street Haveli Hassamuddin Hyder, Delhi.
20	Shri Mohd. Yamin Khan, Bar-at-law.	Kothi-Janat Nishan Meerut.

[No. I(10).]

U. S. DIKSHIT,

Custodian of Evacuees' Property.

### MINISTRY OF TRANSPORT

*New Delhi, the 9th March 1952*

**S.R.O. 504.**—In exercise of the powers conferred by section 2 of the Part C States Laws Act (XXX of 1950), 1950, the Central Government hereby extends the United Provinces Roadside Land Control Act, 1945 (The United Provinces Act X of 1945), as at present in force in the State of Uttar Pradesh, to the State of Himachal Pradesh, subject to the following modifications, namely:—

#### MODIFICATIONS

1. Throughout the Act for the words 'State Government' wherever they occur, the words 'Lieutenant Governor' shall be substituted.

2. For sub-section (2) of section 1, the following sub-section shall be substituted, namely:—

“(2) It shall extend to the whole of the State Himachal Pradesh”.

3. For clause (iii) of section 9, the following clause shall be substituted, namely:—

“(iii) The market value of the land shall be assessed as if no declaration under sub-section (1) of section 3 had been made in respect of the area in which it is situated and no restrictions upon its use and development had been imposed, any compensation already paid to the claimant or to any of his predecessors in interest for injurious affection being deducted from the market value as so assessed.”

4. For sub-section (3) of Section 17, the following shall be substituted, namely:—  
 “(3) All rules made under this section shall be subject to the condition of previous publication and the provisions of section 23 of the General Clauses Act, 1897 shall apply as if this were a Central Act”.
5. ‘The Schedule’ shall be omitted.

#### ANNEXURE

1. **Short title, extent and commencement.**—(1) This Act may be called the United Provinces Roadside Land Control Act, 1945.

(2) It shall extend to the whole of the State Himachal Pradesh.

(3) It shall come into force on such date as the Lieutenant Governor may, by notification in the official Gazette, appoint.

2. **Interpretation.**—In this Act, unless there is anything repugnant in the subject or context,—

- (1) “agriculture” includes horticulture and the planting and upkeep of orchards;
- (2) “building” means a house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever material constructed, and every part thereof, and includes a wall or masonry platform or masonry ditch or drain, but does not include a tent or other such portable and merely temporary shelter;
- (3) “Collector” includes any authority appointed by the Lieutenant Governor by notification in the official Gazette, to perform all or any of the functions of the Collector under this Act;
- (4) “place of worship” includes a temple, church, mosque, imambara, dargah, karbala, takya, idgah, samadhi, math, sati ka than or gurdwara;
- (5) “prescribed” means prescribed by rules made under this Act; and
- (6) “road” means a metalled road maintained by the Lieutenant Governor or by a local authority or a route demarcated by the Lieutenant Governor or a local authority with a view to constructing along it a metalled road.

3. **Declaration of controlled area.**—(1) The Lieutenant Governor may, by notification in the official Gazette, declare any land within a distance of four hundred and forty yards from the centre line of any road to be a controlled area for the purposes of this Act.

(2) Not less than three months before making a declaration under sub-section (1) the Lieutenant Governor shall cause to be published in the official Gazette and in at least two newspapers printed in a language other than English a notification stating that he purposes to make such a declaration and specifying therein the boundaries of the land in respect of which the declaration is proposed to be made, and copies of every such notification or of the substance thereof shall be published by the Collector in such manner as he thinks fit at his office and at such other places as he considers necessary within the said boundaries.

(3) Any person interested in any land included within the said boundaries may, at any time before the expiration of thirty days from the last date on which a copy of such notification is published by the Collector, object to the making of the declaration or to the inclusion of his land or any part of it within the said boundaries.

(4) Every objection under sub-section (3) shall be made to the Collector in writing, and the Collector shall give to every person so objecting an opportunity of being heard either in person or through a legal practitioner, and shall, after all such objections have been heard and after such further enquiry, if any, as he thinks necessary, forward to the Lieutenant Governor the record of the proceedings held by him together with a report setting forth his recommendations on the objections.

(5) If before the expiration of the time allowed by sub-section (3) for the filing of objections no objection has been made, the Lieutenant Governor may proceed at once to the making of a declaration under sub-section (1). If any such objections have been made, the Lieutenant Governor shall consider the record and the report referred to in sub-section (4) and may either—

- (a) abandon the proposal to make a declaration under sub-section (1), or

- (b) make such a declaration in respect of either the whole or a part of the land included within the boundaries specified in the notification under sub-section (2).

(6) For the purposes of sub-section (3) a person shall be deemed to be interested in land if he is a "person interested" as defined in clause (b) of section 3 of the Land Acquisition Act, 1894, for the purposes of that Act or, where the land is land occupied by or for the purposes of a place of worship, tomb, cenotaph, graveyard, grave or marghat, if he is a member of the faith to which such building pertains.

(7) A declaration made under sub-section (1) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the area to which it relates is a controlled area.

**4. Plans of controlled areas to be deposited at certain offices.**—(1) The Collector shall deposit at his office and at such other places as he considers necessary, plans showing all lands declared to be controlled areas for the purposes of this Act, and setting forth the nature of the restrictions applicable to the land in any such controlled area.

(2) The plans so deposited shall be available to the public for inspection free of charge at all reasonable times.

**5. Restrictions on building, etc., in a controlled area.**—Notwithstanding anything contained in any other law for the time being in force, no person shall erect, re-erect any building, or make or extend any excavation, or lay out any means of access to a road in a controlled area except with the previous permission of the Collector in writing.

**6. Application for permission to build, etc. and the grant or refusal of such permission.**—(1) Every person desiring to obtain the permission referred to in section 5 shall make an application in writing to the Collector in such form and containing such information in respect of the building, excavation or means of access to which the application relates as may be prescribed.

(2) On receipt of such application the Collector after making such enquiry, as he considers necessary, shall, by order in writing, either—

- (a) grant the permission, subject to such conditions, if any, as may be specified in the order; or

- (b) refuse to grant such permission.

(3) When the Collector grants permission subject to conditions under clause (a) of sub-section (2) or refuses to grant permission under clause (b) of sub-section (2), the conditions imposed or the grounds of refusal shall be such as are reasonable having regard to the circumstances of each case.

(4) The Collector shall not refuse permission to the erection or re-erection of a building, not being a dwelling house, if such building is required for purposes subservient to agriculture, nor shall the permission to erect or re-erect any such building be made subject to any conditions other than those which may be necessary to ensure that the building will be used solely for the purposes specified in the application for permission.

(5) The Collector shall not refuse permission to the erection or re-erection of a building which was in existence on the date on which the declaration under sub-section (1) of section 3 was made, nor shall he impose any conditions in respect of such erection or re-erection unless it involves the addition of one or more storeys to the building or the extension of the plinth area of the building by more than one-eighth of the original plinth area, or there is a probability that the building will be used for a purpose other than that for which it was used on the date on which the said declaration was made.

(6) If at the expiration of a period of three months after an application under sub-section (1) has been made to the Collector no order in writing has been passed by the Collector permission shall be deemed to have been given without the imposition of any conditions.

(7) The Collector shall maintain a register with sufficient particulars of all permissions given by him under this section and the register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

**7. Right of appeal.**—(1) Any person aggrieved by an order of the Collector under sub-section (2) of section 6 granting permission subject to conditions or

refusing permission may within thirty days from the date of such order prefer an appeal to the Lieutenant Governor.

(2) The order of the Lieutenant Governor on appeal shall be final

8. **Compensation.**—(1) No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by an order—

- (a) refusing permission to make or extend an excavation, or granting such permission but imposing conditions on the grant, or
- (b) refusing permission to lay out a means of access to a road, or granting such permission but imposing conditions on the grant, or
- (c) granting permission to erect or re-erect a building but imposing conditions on the grant.

(2) When an order has been made refusing permission to erect or re-erect a building any person who has exercised the right of appeal given by sub-section (1) of section 7 may, within three months of the date of the order of the Lieutenant Governor, make to the Lieutenant Governor a claim for compensation on the ground that his interest in the land concerned is injuriously affected by the said order.

(3) On receipt of a claim under sub-section (2) the Lieutenant Governor shall either proceed to acquire the land concerned under the Land Acquisition Act, 1894 (I of 1894), or transfer the claim for disposal to an officer exercising the powers of a Collector under the said Act:

Provided that in case the Lieutenant Governor decides to acquire the land, (i) it shall not be necessary for land occupied by a place of worship, tomb, cenotaph, graveyard, grave or marghat to be included, and (ii) the claimant shall be entitled to be repaid by the acquiring authority the amount of expense which he may have properly incurred in connection with the preparation and submission of his claim for compensation under this section, and in default of agreement such a amount shall be determined by the authority deciding the value of the land in the proceedings under the Land Acquisition Act, 1894 (I of 1894).

(4) Nothing in this section shall be deemed to preclude the settlement of a claim by mutual agreement.

9. **Compulsory acquisition.**—If the Lieutenant Governor decides to acquire the land under the Land Acquisition Act, 1894 (I of 1894), then, notwithstanding anything contained in that Act,—

- (i) proceedings under section 5-A of that Act shall not be required;
- (ii) the notification under section 6 of that Act shall be published within six months from the date of institution of the claim, failing which the claim shall be transferred for disposal to an officer exercising the powers of a Collector under that Act;
- (iii) The market value of the land shall be assessed as if no declaration under sub-section (1) of section 3 had been made in respect of the area in which it is situated and no restrictions upon its use and development had been imposed, any compensation already paid to the claimant or to any of his predecessors in interest for injurious affection being deducted from the market value as so assessed.

10. **Amount of Compensation how determined.**—(1) When a claim is transferred for disposal under section 8 or section 9 to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894 (I of 1894), such officer shall make an award determining the amount of compensation, if any, payable to the claimant.

(2) The amount of compensation awarded under sub-section (1) shall in no case exceed—

- (a) the amount that would have been payable if the land had been acquired under section 9, or
- (b) the difference between the market value of the land in the existing condition having regard to the restrictions actually imposed upon its use and development by the order refusing permission to erect or re-erect a building thereon, and its market value immediately before the publication under sub-section (2) of section 3 of the notification in pursuance of which the area in which it is situated was declared to be a controlled area.

and no compensation shall be awarded under sub-section (1)—

- (i) unless the claimant satisfies the officer making the award that proposals for the development of the land which at the date of the application under sub-section (1) of section 6 are immediately practicable, or would have been so, if this Act had not been passed, are prevented or injuriously affected by the restriction imposed under this Act, or
- (ii) if and in so far as the land is subject to substantially similar restrictions in force under some other enactment which were so in force at the date when the restrictions were imposed under this Act, or
- (iii) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under some other enactment has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

(3) The provisions of Part III, as modified by section 9, clause (iii) and Parts IV, V and VIII of the Land Acquisition Act, 1894 (I of 1894), shall so far as may be apply to an award made under sub-section (1) as though it were an award made under that Act.

11. **Saving for other enactments.**—Nothing in this Act shall affect the power of any authority to acquire land or to impose restrictions upon the use and development of land under any other enactment for the time being in force.

12. **Prohibition of use of any land as a brick-field, etc. without licence.**—(1) Notwithstanding anything contained in any other law for the time being in force, no land within a controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln, or lime-kiln and no land within a controlled area shall be used for the purposes of a brick-field or brick-kiln except under, and in accordance with the conditions of, a licence from the Collector which shall be renewable annually.

(2) The Lieutenant Governor may charge such fees for the grant and renewal of such licences and may impose such conditions in respect thereof as may be prescribed.

(3) No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by the refusal of a licence under sub-section (1).

13. **Offences and penalties.**—(1) Any person who—

- (a) erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 5 or in contravention of any conditions imposed by an order under section 6 or section 7, or
- (b) uses any land in contravention of the provisions of sub-section (1) of section 12, shall be punishable with fine which may extend to five hundred rupees and, in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

(2) Without prejudice to the provisions of sub-section (1), the Collector may order any person who has committed a breach of the provisions of the said sub-section to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within three months of the order, may himself take such measures as may appear to him to be necessary to give effect to the order, and the cost of such measures shall be recoverable from such person as arrear of land revenue.

14. **Trial of offences.**—No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

15. **Protection of persons acting under this Act.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

16. **Savings.**—Nothing in this Act shall apply to—

- (a) the erection or re-erection of buildings upon land included in the inhabited site of any village as entered and demarcated in the revenue records or upon sites in a municipal, notified, or town area that are already built up on the date of the issue of the notification under sub-section (2) of section 3 of this Act;

(b) the erection or re-erection of a place of worship or a tomb, cenotaph, grave, graveyard, or marghat or of a wall enclosing a place of worship, tomb, cenotaph, grave, graveyard, or marghat on land which is, at the time a notification under sub-section (2) of section 3 is published by the Lieutenant Governor, occupied, by or for the purposes of such place of worship, tomb, cenotaph, grave, graveyard, or marghat;

(c) excavations (including wells) made in the ordinary course of agricultural operations;

(d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes.

**17. Power to make rules.**—(1) The Lieutenant Governor may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the form in which applications under sub-section (1) of section 6 shall be made and the information to be furnished in such applications;

(b) principles according to which applications under sub-section (1) of section 6 shall normally be allowed or disallowed by the Collector;

(c) the regulation of the laying out of means of access to roads;

(d) the fees to be charged for the grant and renewal of licences under section 12 and the conditions governing such licences.

— (3) All rules made under this section shall be subject to the condition of previous publication and the provisions of section 23 of the General Clauses Act, 1897, shall apply as if this were a Central Act.

[No. PL-7(16)51.]

G. M. McKELVIE, Joint Secy.

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#### PORTS

*New Delhi, the 10th March 1952*

**S.R.O. 505.**—In exercise of the powers conferred by clause (k) of sub-section (i) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby directs that the following amendments shall be made in the Cochin Harbour Craft Rules, 1947, the same having been previously published as required by sub-section (2) of the said section, namely:—

In the said Rules,

(a) for sub-rule (4) of Rule 4, the following sub-rule shall be substituted, namely:—

“(4) Subject to the provisions of these Rules, every licence in Form A shall be valid up to and inclusive of the 31st December of the year in which the licence is issued.”

(b) sub-rule (2) of Rule 10 shall be omitted.

[No. 6-P.II(89)/51.]

T. S. PARASURAMAN, Dy. Secy.

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*New Delhi, the 15th March 1952*

**S.R.O. 506.**—In pursuance of sub-section (3) of section 6 of the Calcutta Port Act 1890, (Bengal Act No. III of 1890), the Central Government hereby appoints the Secretary to the Government of West Bengal, Commerce and Industries Department, Calcutta, chosen by the Government of West Bengal, to be a Commissioner of the Port of Calcutta with effect from the 1st April, 1952.

[No. 9-PI(1)/52.-A.]

*New Delhi, the 18th March 1952*

**S.R.O. 507.**—In exercise of the powers conferred by sub-section (3) of section 3 of the Indian Ports Act, 1908 (XV of 1908), the Central Government is pleased to authorise Shri Mangesh Rao Savur, a temporary pilot of the Bombay Port Trust, to pilot vessels in the Port of Bombay.

[No. 8-P.I.(44)/52.]

S. N. CHIB, Dy. Secy.

**MINISTRY OF RAILWAYS**  
**(Railway Board)**

*New Delhi, the 19th March 1952*

**S.R.O. 508.**—In exercise of the powers conferred by section 82-B of the Indian Railways Act, 1890 (IX of 1890), the Central Government hereby appoints the District Judge of Saran to be the Claims Commissioner for enquiring into and determining all claims for compensation arising out of all accidents in the area within his jurisdiction.

[No. 893-TG.]

V. T. NARAYANAN.  
Joint Director, Estab.

**MINISTRY OF WORKS, PRODUCTION & SUPPLY**

*New Delhi, the 13th March 1952*

**S.R.O. 509.**—In pursuance of clause (b) of section 2 of the Requisitioning and Acquisition of Immovable Property Ordinance, 1952, (III of 1952), the Central Government hereby authorises each of the persons mentioned in column 1 of the table annexed to the Notification to perform the functions of a competent authority under the said Ordinance for the area specified in the corresponding entry in column 2 of the said table.

THE TABLE

PERSONS	AREA
1. The First Land Acquisition Collector, Calcutta.	The area within the local limits of the Corporation of Calcutta.
2. The Collector of the district of 24-Parganas in West Bengal.	So much of the area in the district of 24-Parganas as is not situated within the local limits of the said Corporation.
3. The Collector of any other district in the State of West Bengal.	The whole of the area within such district.
4. All other officers appointed by the Government of West Bengal to perform the functions of a Collector under the Land Acquisition Act, 1894 (I of 1894).	The whole of the area falling in their respective jurisdictions.

[No. 2176-WII/52.]

**ORDER**

*New Delhi, the 14th March 1952*

**S.R.O. 510.**—In exercise of the powers conferred by section 17 of the Requisitioning and Acquisition of Immovable Property Ordinance, 1952. (III of 1952).



the Central Government hereby directs that the powers exercisable by it by or under sections 8 and 10 of the said Ordinance in respect of property situated within the State of Delhi shall also be exercisable by the Chief Commissioner of Delhi.

[No. 2208-WII/52.]

N. P. DUBE, Dy. Secy.

**CENTRAL BOILERS BOARD**  
*New Delhi, the 14th March 1952*

**S.R.O. 511.—Corrigendum.**—In notification of the Central Boilers Board No. S.R.O. 1899, dated the 24th November 1951, published in the Gazette of India, Part II—Section 3, dated the 1st December 1951, on page 2053, for “(i)” read “(1)”

[No. M/BL-304(50)/50.]

N. P. DUBE,  
Secretary, Central Boilers Board.

**MINISTRY OF LABOUR**

*New Delhi, the 8th March 1952*

**S.R.O. 512.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (IV of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Calcutta, in the industrial dispute between the Indian Bank Limited, Madras, and its workmen:

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA**

20/1 GURUSADAY ROAD, BALLYGUNGE, CALCUTTA-19.

REFERENCE No. 8 OF 1951.

Before Shri K. S. Campbell-Puri, B.A., LL.B., *Chairman.*

**PARTIES.**

Indian Bank Ltd., Madras.

AND

Their workmen represented by the Indian Bank Employees Union, in respect of the retrenchment of about 90 workmen on and after the 30th April 1951.

**Appearances.**

Shri T. S. Ramanujam, President, assisted by Shri S. Subramaniam and Shri S. Ramaseshan, Secretaries, Indian Bank Employees Union, Madras, for the retrenched employees.

Shri B. Lakkappara, Advocate, assisted by Shri T. R. Rao, Staff Officer, for the Bank.

**AWARD**

This dispute between Indian Bank Ltd., Madras and their workmen employed at the head office and branches has been referred to this Tribunal by Government of India in the Ministry of Labour under Notification No. L.R. 90(81), dated 24th July 1951, in respect of the issue given in the Schedule as amended by Notification No. L.R. 90(81), dated 31st July 1951 which reads as follows:

**SCHEDULE**

Whether the retrenchment of about 90 workmen effected by the said Bank on and after the 30th April, 1951, was justified and, if so, what retrenchment relief should be afforded to them.

The usual notices were issued directing the Secretary, Indian Bank Employees Union, Madras, the statement of claims in respect of the matter specified in the schedule on or before the 3rd September 1951 with a copy to the Secretary, Indian Bank Ltd. thereof on the same day. The employers were directed to file

within one month thereafter, on the receipt of the copy of the statement of claims, to file their written statement in answer to the said claim and give a copy of the same to the Secretary of the Union thereof. The Bank was furthermore directed to make due publicity of this notice among their workmen and to intimate to this office about the mode and date of publicity.

2. The Secretary, Indian Bank Employees Union filed the statement of claim on behalf of workmen in the last week of August 1951 and the pleadings were completed by the filing of written statement of the Bank in the first week of October 1951. The Employees Union also preferred an application for the grant of interim relief to the discharged peons till the case was finally decided by this Tribunal in order to stem their distress. It was alleged *inter alia* that the retrenched employees had failed to get any alternate employment despite efforts made and were steadily drifting to the brink of starvation. Notice was issued on this application to the other side and on receipt of the reply the application was disposed of by my order dated 23rd November 1951. As temporary relief is regulated by certain principles and keeping in view the basic ones the Tribunal did not see its way to grant any interim relief without entering into the actual facts of the case for which it was not prepared to go at that stage. At any rate the prayer for the grant of interim relief was declined but this case was given priority, for the purpose of hearing, over other References which were received earlier. It was in pursuance of this order of priority that this Reference which has been registered in this office as Reference No. 8 of 1951, was heard at Madras from 8th to 15th February, 1952, and the President of the Employees Union assisted by the two Secretaries of the Union as well as the Bank representatives attended the proceedings.

3. At the outset Shri T. S. Ramanujam, President, Indian Bank Employees Union, representing the retrenched peons stated their case in brief which was again amplified by Shri S. Subramaniam, Secretary of the Employees Union in his statement as witness No. WW-1; tracing the whole course of events which led to this dispute. I think it would be better to summarize briefly the statement of Shri Subramaniam in order to give the full picture of the Union case instead of giving a summary of the statement of case made by Shri Ramanujam, the President of the Union. This detailed statement which was subjected to cross-examination by the other side reveals that the first shot, so to say, in the matter of retrenchment of the staff of the Indian Bank Ltd., was fired by Circular No. 59, dated 28th September 1950 (Ex. A) which was issued under the signature of the Secretary, Indian Bank Ltd., Central Office, Madras. In this Circular (Ex. A) it was stressed that the Bank was already over-staffed and now it had to incur more expenditure by revising the scales of salary of the workmen in compliance with the terms of the All India Industrial Tribunal award (Bank Disputes) published in August, 1950, and as the establishment charges constituted the major item of expenditure, the management was contemplating retrenchment of the excess staff. In the penultimate paragraph of this circular it was stated that the management was also anxious that in this matter they must have the co-operation of the staff and would gladly receive and sympathetically consider any suggestion they may wish to make in this matter. The Secretary of the Employees Union, on the circulation of Ex. A protested against the proposed retrenchment in his letter Ex. B and furthermore complained that the Union letters were not being acknowledged and that action in the matter of retrenchment be deferred till both sides meet and discuss the whole affair. But soon after notices of termination of services of 263 persons of all categories were issued on the 5th October, 1950, as borne out by a copy of one of the notices Ex. C wherein it was stated that the services of the said employees were terminated and that any representation regarding the proposed termination of his service should be made within two months from the date of its receipt to the Secretary or Deputy Secretary, who were duly authorised to hear special applications. This notice elicited a lengthy representation from the side of Indian Bank Employees Union under the signature of their President Shri T. S. Ramanujam lodging a strong protest against the proposed retrenchment of 263 employees of the Bank and some suggestions were also made in order to checkmate the alleged additional financial burden by effecting easy economies at the top and slight cut in the salaries of officers as well as reduction in the rate of dividends etc. It was also suggested that All India Industrial Tribunal (Bank Disputes) award was to remain in force for one year in the first instance and that it would be better if the question of retrenchment of the employees be considered in August, 1951, and that the Union was prepared to sit at a round table and review the whole situation thereafter. The Regional Labour Commissioner, Madras was also moved in the matter by letter dated 28th September, 1950, (Ex. E). But the representation was not acknowledged by the Bank and the conciliation proceedings also did not bring any tangible result and

were dropped as borne out by Ex. R dated 30th January, 1951. There was a lull in the negotiations in the month of March but the mist cleared with the advent of April and the services of 90 Peons of the subordinate staff were terminated by notice dated 20th April, 1951, with immediate effect and cash orders in payment of salary and allowances for the whole month of April, 1951, and one month's further salary and allowances in lieu of notice were sent to them. These notices were received by the retrenched employees under protest which fact was noted on the notice itself (Ex. S). The Union representative proceeded to say that after this final step taken by the Bank, the Employees Union still pursued the course of conciliation by passing resolutions and calling upon the management to reconsider the position and refrain from retrenching the employees of the Bank as borne out by letters dated 26th April, 1951, and 1st May, 1951, vide Ex. T, Ex. U, Ex. V and Ex. X.

4. The Union's case put in nutshell is that they did their best to explore all avenues of conciliation and even were prepared to participate in the joint deliberations with the management if the policy of retrenchment was dropped for sometime but their requests fell on deaf ears and no less than 90 Peons were thrown out of employment. On the top of it the management advertised in Madras local papers ('Hindu' and 'Express') on 7th May, 1951, (Ex. Z) and invited applications for temporary appointments in the Bank, whereupon the Union as a last resort gave a strike notice (Ex. AA) but the direct action was deferred on the advice of the All India Bank Employees Association and the management was approached with another suggestion viz., one of economic holiday whereby the management was asked to apply the method of economic holiday by which each employee was asked to go on just one day extra holiday without pay in a whole year and the amount thereby saved was to be used by the Bank for meeting the cost of retaining the aforesaid 90 Peons as borne out by Ex. BB. The management, however, paid no heed to all these repeated requests, and obdurately persisted in adhering to their resolve to throw a large number of employees, who were active trade union workers, out of employment. It was next stated that the financial position of the Bank was very sound as borne out by the report of the Chairman of Board of Directors of the Bank (Ex. DDD) which shows that the paid up capital, reserve fund and working capital stand at a high level and can meet any accredited standard of business. It was further stated that as a matter of fact the Bank after having implemented the increase in the emoluments of the employees as awarded by the All India Industrial Tribunal (Bank Disputes) still made good profits and their financial position as such was enviable and was very sound. So far so that an increment has recently been made by the management in the Dearness Allowance of Officers which entailed an expense of Rs. 9,000/- per month although the whole expenditure in the case of retrenched employees did not go beyond Rs. 5,000/- or Rs. 6,000/- per month.

5. The next point urged in this respect was with regard to the work-load and in this connection it was emphasised that the work-load had increased after the retrenchment in question as borne out by the complaints sent by the Agents of various branches to the head office stating therein that the work-load was heavy and the day to day business was very much hampered for want of peons. It was also submitted that the management was incurring more expense on postage in the absence of peons, but did not like to revise their decision. Lastly, that retrenchment was effected during the pendency of the proceedings of the General Bank Reference [No. L.R. 2(273), dated 21st February, 1950], in defiance to the provisions of section 33 and as such was invalid and bad in law.

6 On the other hand the Bank case was stated by Shri B. Lakkappara, Advocate, as follows:

That the Bank had to review the whole position vis-a-vis their staff after the publication of the All India Industrial Tribunal (Bank Disputes) award whereby the salaries and allowances of the staff were necessarily to be increased in terms of the award and the management found that they had to bear the burden of three lacs that very year i.e., in 1950 and would incur an expenditure of Rs. 10 lacs in the coming three years. It was also felt that the Bank would have to revise the scales of pay of the officers of the Bank whose salaries were considerably low to avoid discontent amongst the officers class. Consequently the management appointed a Committee and held several sittings and reviewed the whole situation. In the first instance the retrenchment of about 263 members of the staff in all categories was recommended but ultimately the Directors reconsidered the whole position and retrenched the services of 90 Peons. It was frankly admitted in this opening address that the financial position of the Bank was quite sound and that retrenchment was only an act of prudence in order to

avoid any further trouble. The other circumstance, it was alleged, which compelled the management to review the staff position was that the expenditure under the heading 'staff expenditure' had increased disproportionately since 1948 and it could not be allowed to stand. Finally, it was stated that the Bank had opened new branches and the retrenched persons were being absorbed as far as possible and in fact some of them have been taken back as fresh hands. It was denied that the retrenchment was a measure of victimization of the active members of the trade union or that the workload had increased after the retrenchment. It was maintained that the retained staff is sufficient to cope with the the work which was going on smoothly.

7. On these premises, the evidence was led by both sides oral as well as documentary. The Union examined P. Nani Gopal, R. Balasubramaniam and P. Govind Raja, the three ex-peons whose services were retrenched besides Shri S. Subramaniam who is working as a clerk in the head office and happens to be the Secretary of the Employees Union, and produced no less than 58 documents, comprising over copies of representations made by the Union, circulars issued by the management, copies of resolutions passed by the general body of employees union, copies of the minutes of the conciliation proceedings discussing the position of proposed retrenchment, a good number of letters sent to the management by way of correspondence pertaining to the postponement of the retrenchment proposal and some charts and statements giving the number of retrenched employees and the total strength of the staff as well as the new appointments made in this connection. The main theme of Union's evidence is that the head office as well as the branches were rather under-staffed and this retrenchment has added to the difficulties of the existing staff. It was emphasised that this retrenchment was conceived by the management in order to nullify the effect of the All India Industrial Tribunal (Bank Disputes) award and the method adopted was to crush the trade union activities of the employees who were considered to have been responsible for the increase in the emoluments of the employees under the terms of the said award. The witnesses gave instance to show that the relationship between the Bank and the Union was not cordial and the management scrupulously avoided to acknowledge any one of their letters and was always aiming to strike at the solidarity of the Union either by transfer or some such measure and has succeeded to some extent in deteriorating the Union's strength. The witnesses also deposed in regard to the actual working of the branches and the duties of the Peons in day to day work in order to show that the normal duty of the peons in the branches as well as in the head office for delivery of clearing cheques, presentation of cheques at the counter, vouchers, and the general dealing with the office clerks in the performance of their duties occupied them throughout the day and the workload was very heavy.

8. On the strength of this evidence Shri T. S. Ramanujam, the President of the Union arguing on behalf of the retrenched employees submitted that paragraphs 2 to 6 of the written statement of the Bank when read along with Ex/10 a letter sent to the Reserve Bank of India by the Bank would show that the stand taken up by the Bank for reduction of number of peons was self-contradictory. It was argued that in the written statement the Bank in paragraphs 2 to 6 has stated "that there had been a general decline in business and profit since 1948 and in terms of the All India Industrial Tribunal (Bank Disputes) award the expenditure on the clerical and subordinate establishment would immediately increase and in these circumstances the Bank had to take serious notice of the situation and therefore appointed a Committee of Directors to go into the whole question and devise ways and means of reducing its expenditure under the head establishment, while in Ex/10 (a letter sent to the Reserve Bank of India in reply to an enquiry made from that quarter) it was stated "that the employers had been recruiting new hands since 1948 with the hope that their business will continue to improve but in 1948 and 1949 it showed a general decline and they found that there was surplus staff to the requirements of the Bank". Shri Ramanujam maintained that this reason viz. the existence of surplus staff was an after-thought and in point of fact when the management found that in terms of the aforesaid award they had to make an increase in the scales of pay of the workmen and there was no escape they resorted to the method of reducing the number of employees and thereby counteract the benefits of the award to the employees and at the same time strike at the trade union activities of the workmen by this proposed helter-skelter in the ranks of the employees. It was next argued that the Bank had been shifting its grounds in their pleas and wanted to injure the cause of the employees with an ulterior motive viz. to deprive them from the benefits of the All India Industrial Tribunal (Bank Disputes) award as said above. It was concluded in this connection that this sort of attitude amounts to bad labour practice and the retrenchment was neither conceived in good faith nor was justified in its effect. Coming directly

to the retrenchment of the 90 Peons which point is on the anvil, it was submitted that the management was recruiting new hands in the subordinate staff since 1946 which was indicative of the fact that the need was for more hands and it could not be said with any semblance of reasoning that they had become surplus all of a sudden after the publication of the All India Industrial Tribunal (Bank Disputes) award. It was contended that the figures given at page 2 of Ex/K would show that even in 1950 some recruitment was made on account of increase in the volume of business. It was next urged that some of the Peons out of retrenched persons were taken back and re-appointed at the same place from where they were retrenched as evidenced from Ex/4 and this also shows that the decision arrived at by the Committee for the reduction of subordinate staff was not warranted by the need of that particular place. The argument was stressed that by this method the management was definitely striking at the permanency and the continuance of service inasmuch as the services of one peon were retrenched and sometime after the same peon or another one was put in the same place as a new hand. It was maintained that the study of Ex/4 would show that there was no consistent policy and some of the retrenched persons were sent to other places soon after. Reference was made to the case of an ex-Peon named C. R. Dekshinamoorthy, who applied for being absorbed in Villupuram branch, his home place, as evidenced from his application Ex/QQ, but his application did not elicit any reply and another man was sent in his place who is mentioned at No. 9 of Ex/4 viz. S. Veda-chalam. It was further argued that some of the peons were discharged and again re-appointed as watchman without considering their previous service with the result that they have now become new hands. The other argument advanced by the Union President was with regard to the investigation made by the Committee of Directors in the matter of retrenchment and it was submitted that no proper investigation was made and effect was given to the pre-determined policy to throw out of employment as many persons as was possible in the circumstances. It was argued that the Committee only worked on oral information furnished by the Inspectors as deposed by Shri T. R. Rao, Staff Officer (EW-2) as well as by Shri K. Satyanarayan Murthy (EW-3) one of the Inspectors. The Agents working in the branches were never consulted and the formulae alleged to have been evolved viz. one peon for 4 or 5 clerks was manifestly an artificial as well as superficial one and the real position was never ascertained as to how much workload was there in each branch. It was emphasised that the staff was rather made to agree to the artificial formulae as evidenced from the replies sent to the Agents when they asked for more hands. Reliance was placed on the reports of the Agents Ex/7 (a) to (f) and the replies sent by the Bank to the respective Agents. Shri Ramanujam drew my attention in particular to Ex/7(c) wherein one of the Agents Shri K. Gopinatha Rao of Bangalore Cantonment branch was informed that it was not possible for the head office to re-consider the matter or vary the orders of the Board and that the Agent must therefore manage without writing to the Head Office for extra peons, and further that the dispute had been referred to Central Government Industrial Tribunal at Calcutta and the Head Office could not do anything in the matter till the Tribunal passes the award. Shri Ramanujam referring to the contents of the reply Ex. 7(e) made bold to say that the management in the heart of hearts feels that extra peons were needed but was sticking to their decision and is awaiting the Tribunal's decision to reverse their order. It was next argued that so long as no reduction is made in the clerical staff correspondingly there could not be any reduction in menial staff inasmuch as the workload which was being carried out by a large number of peons has fallen on lesser number to perform and in case the work-load has gone down the yard stick would also apply to clerks and officers. The argument percisely was that when the same number of officers and clerks continue to work how the Peons work-load had decreased after retrenchment. The argument was stressed that it amounted to discrimination between the subordinate staff and the clerical staff against the provisions of the Constitution of India pertaining to fundamental rights. The Union representative coming to the financial position of the Bank averred that only the report of the Chairman (Ex/DDD) was sufficient to show in this respect that the Bank was working on quite sound basis and the Chairman of the Board of Directors was keen to declare dividend to the extent of 14 per cent. Particular reference was made to the observations of the Chairman of the Board of Directors in his report Ex/DDD at pages 9, 10 and 13. Shri Ramanujam further contended that the re-employment of 17 peons out of the 90 retrenched persons was of no consequence inasmuch as this dispute is a collective dispute and the Employees Union can insist that those who have been re-employed should be taken in continuation of their previous service and not as new hands as done by the management. It was submitted that 17 peons who have been absorbed again and reappointed had no doubt joined with their consent but actually their distress was exploited by the employer. Lastly, it was urged by the Union President that the necessary permission as contemplated under section 33 of the Act was not obtained and the retrenchment

amounted to lockout and reference was made to sections 23(b) and 2(1) as well as Sec. 12(5) of the Act. It was also argued that the transfer of the Vice President of the Union Shri V. N. Vellaiyan on promotion was made with ulterior motive in order to crush the trade union activities and reliance was placed on Bombay Gas Company Ltd. Vs. Workmen Employed under it (published in the Industrial Court Reporter, Bombay; October 1950—pp. 220-244) and Federal Court judgment in the case of W. I. AA.

9. The Bank representative's reply was not lengthy and Shri Lakkapparai replying to the legal objection at the outset submitted that so far the re-employment of 17 persons were concerned who have been taken back in service this Tribunal has no jurisdiction inasmuch as they have entered into a fresh contract voluntarily and in the absence of any evidence of fraud or coercion it was wrong to say that their distress was exploited. It was contended that the authority cited viz. W.I.A.A. case was not in point. Replying to the second legal objection viz. want of necessary permission under section 33, it was submitted that only a few cases were pending before this Tribunal under Bank General Reference [No. LR2 (273), dated 21st February 1950] and the term 'workman concerned' apply only in their case and the retrenched peons cannot be taken as 'workman concerned' as contemplated under section 33. The argument was reinforced that at any rate the contravention of the provisions of section 33 was not deliberate and the Bank acted under legal advice in good faith. The Bank representative replying to other contentions of the Union side viz. that this retrenchment amounted to lockout and violation of fundamental rights of the subject, submitted that the argument was fallacious inasmuch as retrenchment stands on a different footing and in case it is interpreted so widely there can be no retrenchment. It was emphasised that the right of retrenchment always rests with the employer when its need is established. Regarding the increase in Dearness Allowance of officers, it was argued that the same was made on merits because their salaries were low and in some cases some clerks were drawing more than the officers. Their scales were revised because their case was not considered by All India Industrial Tribunal (Bank Disputes) award which dealt with only 'workmen' excluding the officers. On facts, Shri Lakkapparai further submitted that there had been a steady increase in the expense for the last several years without having any corresponding increase in profits as evidenced from Ex./2 a statement giving the amount of deposits, advances, gross income, gross expenditure, etc. in the years 1948, 1949, 1950 and 1951 and Ex/5 a statement showing the Bank's investment in Government securities, shares and debentures of Joint Stock Companies etc. Particular reference was made to the figure given in 1951. It was urged that at this stage the award of the All India Industrial Tribunal (Bank Disputes) was published and in terms of that award the increase in the scales of salaries of workmen had become necessary and the management faced with this situation had to consider ways and means for curtailing expenditure as an Act of prudence. He maintained that placed in this situation the Bank initially contemplated retrenchment of 263 persons but on further consideration the Directors decided to retrench the services of 90 Peons only. Shri Lakkapparai continued that the retrenchment was made after full discussion and consultation with Staff Officer and Inspectors and was not done in a casual manner and the main charge levelled against the Bank viz. that retrenchment was made mala fide in order to deprive the employees from the benefits of Sen-award was not substantiated by actual facts. It was submitted that only 90 out of 263 persons to whom notices were issued for the termination of the services were actually retrenched which would show that the management was not actuated by any ulterior motive. The Peons moreover were not active workers of the Union and in case the management wanted to suppress the Union activities they could have struck at the active workers of the Union. The other allegation that the Vice President of the Employees Union was transferred with an ulterior motive was denied inasmuch as he was given promotion and he himself has nothing to say. It was emphasised that new branches had been opened which showed the good faith of the Bank and some of the retrenched persons have been actually absorbed. In regard to the finance, the Bank representative conceded that it was not the Bank's case that financial position of the Bank was not sound, their case only was that the additional expenditure which the Bank was incurring must have some relation with the actual needs and profits of the Bank and in the absence of that the retrenchment had become necessary. Replying to the argument advanced by the other side on the question of workload and the complaints of the Agents, the Bank representative submitted that some complaints were received no doubt but it was due to the fact that the officers and clerks were accustomed to a certain procedure and they felt the difficulty for sometime but now they have adjusted themselves. It was next argued that the peons who are working have not complained that they had to work more and it was only the clerks and in some cases the constituents who had made complaints. It was urged that the policy adopted

by the Directors was to be given trial and if there were some complaints at the beginning it does not mean that it was not sound. The Agents were accordingly made to understand to give effect to that policy and now they have adjusted themselves. Finally it was emphasised in this connection that so far the constituents are concerned it is more for the management to think of it as the very survival of the Bank rests upon their co-operation and no Bank could afford to antagonize them and would rather see that their work is expeditiously complied. Furthermore that in the matter of retrenchment the principle of 'last come first go' was fully applied and not in one case the junior man has been retained and a senior has been discharged and that it is the management's right to determine the strength of their staff and in effecting retrenchment the management considered the question of seniority and juniority and as such the management was fully justified in their action which was taken in all good faith. Reliance was placed on the Labour Appellate Tribunal decision in the case of 'Vishwamitra Press and Their Workmen' (published in Labour Law Journal—February 1952—pp. 181-193).'

10. Now before examining the evidence brought on the record in support of respective view points of both sides and the actual arguments advanced by the parties (summarized above in order to give the case of both sides in its original form), it would be necessary to clarify some of the elements and principles on whose basis the whole case is to be adjudged. One of these relates to the *onus probandi* in cases of retrenchment and in this connection the Employees Union vehemently urged that the burden of proof lay upon the employer to justify the necessity of retrenching a large number of workers. Reference was made to the dictum laid down in the case of "Bombay Gas Company Ltd." (published in Industrial Court Reporter of October 1950) wherein it was held at page 229 that "the onus is upon the Company to make out a positive case for the retrenchment of these 68 people and it would equally be absurd for me as suggested to permit 68 persons to be thrown out of employment and permit a corresponding increased burden to fall on the rest and then to wait for the workers to establish, at the end of some months perhaps, that the strain as a result of increased work-load on them was excessive." On the other hand the Bank representative maintained that it was one of the various rights of employers to determine their force of labour. The argument exactly was that it is the employer's right to determine the number of persons that the employer requires for the performance of work and to employ new hands whenever required or to reduce the present strength whenever needed provided that was not done with any ulterior motive, and the burden of proof lies on the person who desires any Court to give judgment in his favour against that right. Now this rule has been hedged in by certain safeguards in practice not because it is impossible to prove a negative but because the negative does not admit of the direct and simple proof of which the affirmative is capable. In the application of the rule regard must also be had again to the substance and effect of the issue. The general rule that a party who desires to move the Court should prove that fact necessary for the purpose is, moreover, subject to various exceptions and these exceptions abundantly go in favour of the Labour inasmuch as the burden of proof would always lie on the party who substantially asserts the affirmative on the issue and not upon the party who denies it. It is the employer who asserts that retrenchment had become necessary on the facts disclosed and as such the initial onus however light it may be must remain with the employer side. Shri Lakkapparai, Bank representative, referred me to the recent decision of their Lordships of the Labour Appellate Tribunal in the case of 'Vishwamitra Press and their workmen' and on the strength of that he argued that it is the employer's right to determine the employer's labour force. In this very decision the learned Tribunal had observed at para 16 page 189 (Labour Law Journal—February 1952) as follows:

"The first question to be considered by a tribunal is whether a case for retrenchment has been established. On this question, the onus would be on the management. If it fails, its case would end there. If, however, the management is able to establish a case for retrenchment either on the ground of rationalisation, economy or other sufficient causes, the next question to consider would be the extent of retrenchment. Here the matter has to be considered under two sub-heads, namely (1) when the action of the management in retrenching the workmen is bona fide and (2) where in determining the extent of the retrenchment, it acts partly on extraneous considerations or on improper motives."

It is hardly necessary to elaborate the point in the light of these observations of the Labour Appellate Tribunal and I would only add that the issue referred to this Tribunal for adjudication as it stands also throws the burden upon the employer

to prove that the retrenchment was justified and before this question can be answered in the affirmative the onus must necessarily lie upon the employer to make out a positive case for the retrenchment of these 90 Peons.

11. The next point to be elucidated before proceeding with the facts of this case is that it is not a case in which the workmen went on strike and were thrown out of employment by way of retrenchment or otherwise as the consequence of their going on strike. In various awards the question of retrenchment was considered on the premises that the employees had given a threat of strike or had actually gone on strike and the employer made a cut in the staff and retrenched their services. In such cases the learned Adjudicators had to probe into the causes of strike and as to whether the employer had acted mala fide and out of vengeance retrenched their services. In this case it may be stated at the outset as disclosed from the facts given above that the Employees Union gave a threat of strike after retrenchment was effected and that too did not materialize and was dropped on the advice of the All India Bank Employees Union. This distinction accordingly shall have to be kept in view in the appreciation of the evidence and the proper understanding of the discussion which follows in the determination of the question embodied in the issue referred to.

12. There is yet another important factor viz. what are the guiding principles in the matter of retrenchment. The principles governing the question of retrenchment and the practice followed have been considered in various awards and some principles have been laid down in the termination of service of the employees but these awards need not be discussed inasmuch as the point has been now admirably summed up in the latest authoritative pronouncement of the Labour Appellate Tribunal in the case of 'Vishwamitra Press and their workmen.' The learned Tribunal has pertinently observed in this case that although it is the prima facie right of the management to determine its labour force and the management would be the best judge to determine the number of workmen, who would become surplus on the ground of rationalisation, economy or other reasons on which retrenchment can be sustained; yet in effecting the retrenchment if the management goes in a mala fide manner, the question of retrenchment can be probed through and through. It was further observed that although it is not possible or desirable to give exhaustive list of the cases that would amount to mala fide the increase of work-load on the workmen retained would be an instance of extraneous considerations. Similarly, victimization or unfair labour practice in effecting retrenchment would be instances of improper motive. It was held that "when the management is influenced by extraneous considerations or improper motive the Tribunal must vitimize the matter with great circumspection and must confine the number of retrenchment strictly within the limits of actual requirement and in such cases, the management must justify by evidence the extent of the retrenchment. This clearly means that although the employer has the right to terminate the services of their employees, this right has been circumscribed under the statutory provisions of Industrial Disputes Act and cannot be exercised unrestricted. The Government of India have also framed some rules for the discharge of workers who are considered surplus to the requirements, to the effect that surplus character of labour must be proved by the employer and the effect of retrenchment should be confined in proved cases only.

13. Applying this principle on the facts of this case it is to be seen as to whether this onus which lay upon the employer has been discharged in effecting the retrenchment in question. Retrenchment broadly speaking is conceived more or less on the question of rationalization or economy in expenditure. Now it is not the case of the employer that this retrenchment was effected by way of rationalization. Their case as explained above is that they had been recruiting new hands since 1946 and with the decline of the business it was felt in 1950 that some retrenchment was possible in the strength of the staff. But, as the All India Industrial Tribunal (Bank Disputes), Bombay, was functioning in those days, the question was dropped for sometime and after the publication of their award, when the Bank was called upon to implement the terms of the award and revise the scale of salary it became all the more necessary to pursue the policy of retrenchment in order to keep their financial position intact. The Union side, refuting this allegation urged that the measure of economy was an after-thought and All India Industrial Tribunal (Bank Disputes) award was the only factor which induced the management to reduce the number of employees in order to deprive them from the benefit of the award. Be that as it may, even assuming that both these factors led the management to consider the question of retrenchment it is to be seen as to how far the management was justified in the circumstances of the case. It is admitted by both hands that initially the notices were issued to 263 persons of all categories but when negotiations ensued before the Conciliation Officer more light was thrown



on the implication of this retrenchment and the Directors on further consideration retrenched the services of only 90 Peons of the subordinate staff. The question arises as to whether by retrenching the services of the Peons which forms the subject of this dispute without touching all the categories viz. clerks and officers the employer acted in all good faith and with due proper investigation into the question of work-load and other allied questions. The plea advanced by the management is that they evolved a certain formula viz. that the services of one peon would be sufficient for 4 or 5 clerks including an officer and on this basis the number of peons which was 357 was reduced to 267 with the result that 90 peons were discharged from service on payment of one month's salary in lieu of notice. The enquiry in evolving the formula as disclosed by the evidence was to the extent of consulting the Inspectors of the Branches only. It is in evidence that these Inspectors did not submit any written report as stated by EW-3 Shri K. Satyanarayan Murthy. The Agents admittedly were not consulted, who subsequently made complaints that the work could not smoothly run for want of Peons and the constituents were put to good deal of inconvenience. In this connection, the Union filed an application whereby all such complaints received by the management and Bank books and documents pertaining to actual load of work in the head office and the branches were summoned and in reply the Bank representative submitted that the same were confidential and could not be produced. This application was decided by my diary order dated 12th February 1952 which may well be reproduced in order to appreciate the attitude of both sides in this respect.

*12th February 1952:—Application of the President, Indian Bank Employees Union dated 8th February 1952 regarding production of documents by Bank on which notice was given to the other side and Bank's reply dated the 12th February 1952.*

#### ORDER

Shri T. S. Ramanujam, President, Indian Bank Employees Union, Madras, states that so far the oral evidence is concerned the same is finished. Regarding the documentary evidence that has also been adduced through witness No. 1, but still some of the documents were called upon from the Bank's side in whose possession these are by an application dated the 8th February 1952. The Union representative accordingly wants to rely upon that documentary evidence also and with that he closes the evidence. In this respect the Bank in their reply of today (the 12th February 1952) has stated that the production of the Bank's books showing the number of accounts, cheques received and delivered through clearing house, Demand Draft Issued etc., it is impossible for them to produce all those registers of all the branches and if at all they are to be produced it will take months to furnish all the information. Shri B. Lakkappara, Bank Representative, arguing the application on behalf of the Bank claimed that the demand is much too general and it is not possible to produce the whole office record including the branches. Shri Ramanujam, however, after the reply was frank to appreciate the view point of the other side and stated that he would content if a statement giving roughly the number of cheques handled through clearing house and demand drafts issued be supplied on the point of information in order to give an idea as to how much work-load was still in the Bank and with this statement the production of all the books as initially demanded in the application would not be necessary. The Bank representative in further reply maintained that it was almost impossible even to make any such statement so long all these vouchers and cheques are not counted, whose numbers must be very large and the counting will take several days and more especially to send for them from the branches which work cannot be taken in this manner at a time when a demand has been made. It was also urged that this evidence is not altogether necessary in the determination of the matter.

The difficulty with which I am confronted with is that the demand is much too general and has been made at a time when the evidence is going to be closed. It could have been made much earlier when a copy of the written statement was sent to the Union and the case was coming up for evidence. Shri Ramanujam was furthermore reasonable in stating that whatever is possible for the Bank, they should do because the Union would like to understand what the work-load is. In this respect accordingly it was left to the Bank side that whatever is possible for them, they should furnish by way of statement and the Union representative would be at liberty also to get this information so far available in cross-examining the witnesses of the Bank which are going to be examined shortly.

Regarding the second point the Bank has claimed privilege and have stated that those documents are confidential. The demand is for the production of letters of the Branch Agents sent to the Head Office for more subordinate staff after the

retrenchment. The privilege claimed does not appear to be well founded. If the Agents asked for more subordinate staff it was a public document and I am of the view that they cannot be treated as confidential. Shri Lakkappara, Bank representative, further submitted that those letters may contain other matters regarding the policy of the Bank and as such in the interest of the Bank, it may not be wise to disclose that correspondence. He at the same time admitted that there was a demand made by some of the Agents for more subordinate staff on the plea that those who were working were inadequate after retrenchment. In view of the statement of the Bank Representative, Shri Ramanujam did not press for the production of the correspondence.

With regard to the details of business and profits of all the branches, the stand taken up by the Bank representative was that they are prepared to file all Balance Sheets which would meet the situation and the details of business and profits of all branches would prejudice the Bank business because it would be a disclosure whether any branch was working at a loss or not. In regard to this also Shri Ramanujam states that it may well be left to the good sense of the Bank as to what information they could give regarding the workload of each branch in their evidence. This disposes of the application and after the evidence of the Bank, I will consider if anything is to be called for for the perusal of the Tribunal.

K. S. CAMPBELL-PURI,

Chairman.

14. The attitude adopted by the Labour Union in the matter of production of documents as borne out from the order discloses a fair sense of approach of the Union and that of avoidance on the part of the employer. The management, however, was pleased only to file three such complaints admitting at the same time that the number was not three and there were many more complaints also. This conduct of the employer naturally gives rise to certain misgivings and in these circumstances it would not be unsafe to presume that these complaints were genuine and much more must have been said in other complaints than we find in those three one which have been filed along with replies [Exs. 7 (a) to (f)] The contents of these complaints go a long way to give an insight into the workload and without encumbering this award it is necessary I think to reproduce one of them *viz.*, Ex. 7 (f) dated 22nd October 1951 as well as the reply given by the head office dated 25th October, 1951 [Ex. 7 (e)].

Ex/7(f):

Bangalore Cantonment,

22-10-51

The Head Office,  
Staff Department,  
MADRAS.  
Dear Sirs,

The present complement of our subordinate staff is three peons and one watchman after the retrenchment of one peon under your General Scheme of Retrenchment. This office had formerly only the present complement of menial staff and as we found it absolutely impossible to manage we represented to you and four peons were given to this Branch. Unfortunately, under the General Scheme of Retrenchment one peon was retrenched from our office.

One of the peons is to be on delivery work and he returns to office only at about 12-30 P.M. Another peon has to come to the office at 9-30 A.M. to relieve the watchman and keep the books in order and should go to the Post Office for bringing the tappal, while the third peon attends office at 10 A.M. One peon is to attend to clearing cheques to be taken to Bangalore City Office at about 11-30 A.M. and he returns at 1 P.M., again goes to the Clearing House at 2-30 P.M. and returns at 4 P.M. Thus we have virtually two peons for the office to attend to the routine work of whom one is to be on delivery duty. If any one of the peons is absent we have been obliged to send the Local Drafts Clerks to take the cheques to the Clearing House as otherwise we will be left with no peon in the office. We have found by practice that in this office one member of the staff will be either on privilege leave or on casual leave with one clerk attending to Clearing House we are very seriously handicapped in the usual routine. We may also add that we have not been able to send TTS by telegrams and we have always been obliged to make use of phonograms for shortage of peons. We need hardly say what amount of risk we run on account of this. The staff are very much inconvenienced when there is no peon in the office and when they are obliged to take books or cheques for payment etc., themselves.

We certainly did not want to write to you immediately you retrenched one peon from our office. But we have been finding it very difficult to manage the office during these three months for shortage of peons and we have been obliged to approach you to permit us to appoint one peon for this office. Please treat this as very urgent and let us have your sanction for the same.

We are denying ourselves the services of a clerk for the routine by sending him to the Clearing House.

Yours faithfully,

K. GOPINATHA RAO,  
Agent.

15. This complaint is so self-explanatory, pungent and a home thrust that needs no comment but to say that it is explained from horse's mouth that work-load was so heavy that it could not be handled and the services of clerks were being harnessed account of the retrenched number of Peons. The reply on the other hand is more illuminating and reveals the mind of the Employer.

The same is reproduced as under:

Ex/7(e):

THE INDIAN BANK LIMITED.

Staff:

Madras,

25th October 1951.

Dear Mr. Gopinatha Rao,

With reference to your letter of 22nd instant, the recent retrenchment of peons was made by the Board and in pursuance of a policy formulated by them. We regret it will not be possible for us to reconsider the matter or vary the orders of the Board. You must therefore manage without writing to us for extra peons.

Besides, the retrenchment of 90 peons has been referred to the Central Government Industrial Tribunal at Calcutta and we therefore cannot do anything in the matter till the tribunal passes the award.

Yours faithfully,  
D. P. PARTHASARATHY.

Sri K. GOPINATHA RAO,  
Agent, The Indian Bank Ltd.,  
Bangalore Cantonment.

As said above if this factor be taken into consideration that the number of complaints was not three but large enough emanating from various branches, I have no hesitation to hold that the work-load did not decrease and had rather swelled after the retrenchment of 90 employees. Secondly, it were not the clerks who were inconvenienced but the constituents also felt some difficulty which fact is supported by this evidence and it is idle to camouflage the issue that the management was more concerned with the comfort and convenience of constituents than the staff as their prosperity rests on the goodwill of the constituents. This sort of reasoning is much more governmental than to meet the need in response to the stern realities of the situation. In this respect reference may be made to Ex/XX dated 1st February 1952, a communication sent by the Branch Representative, Indian Bank Employees Union, Madura, wherein it was stated that though the management had strictly informed the Local Agent to manage with the present subordinate staff and not to ask for additional persons. It was understood that the Agent has pleaded his inability to manage the office with the half number of peons and he has been utilizing the services of watchmen and local Tapals so far as possible and that the head office has also given instructions to appoint peons temporarily that is even for a day if any one of the peons take leave either casual or privilege. It was further stated that in the middle of office hours all the peons and watchmen are sent out for different purposes such as to post office, to deliver clearing returns to other banks for local collections from other Banks, to encash cheques, pensions Bills in treasuries, for urgent telegrams, and local delivery to other Banks etc. It so happens sometime that neither peon nor watchman are left in the bank and naturally, clerical staff and officers have to do the subordinate staff duty as many time as possible until the service of the subordinate staff is available. It was also pointed out in this representation that there has been increase in the postage by sending local tapals by post. Temporary appointments also entail expense and

sometimes overtime is also paid to the peons for a few hours per mensem. Shri V. S. Krishnamachari (EW-1) in his deposition also states that there has been no appreciable decrease or increase and the work is constant which shows that the work-load was not decreased while the number of peons was decreased. In the cross-examination this witness has stated that there is one peon styled Agent's peon and his work is to attend on the Agent. There is one who looks after the Cash Department and his duration of work is from 10 A.M. to 5 P.M. and sometime his work may extend up to 5-30 P.M. One peon also is allotted to the clearing department who is expected to go at 9-30 A.M. and one peon is to attend to despatch work and yet another peon attends at the counter. The witness proceeds to say that the work is managed according to the exigencies of office and that complaints had been received from the constituents. He further states that he did not remember that any person from Ambatpur had complained to him that the work was delayed on account of the transfer of peons, but some oral complaints were however made by constituents that their work was delayed and the clerks told them that the matter may be referred to the Agent about the complaint.

16. This statement of Bank's own witness however guarded it may be speaks a good deal that even the Local Esplanade Branch (in Madras) was also handicapped by the reduction of peons. The Union witnesses WW-2, P. Nand Gopal, WW-3 R. Balasubramaniam and WW-4 P. Govind Raja have furthermore detailed the duties of the peons in the office hours; one of these statements may be quoted profitably for the appreciation of the position regarding work-load:—

P. Nand Gopal (WW-2) :

\* \* \* \*

"I will be within the office before 8 A.M. From 8 to 10-30 A.M I will be attending to the counter work. At that time the other peons also will be doing the same work as mine. After 10-30 A.M. the Bank is closed to the public and there will be no constituents. After 10-30 for one hour I will be given the work of sorting vouchers. Four out of the five peons will be engaged in voucher sorting while the remaining one will be attending to the clerks. After 11-30 A.M. I will be given delivery work i.e. taking letters to deliver to parties outside the Bank and this work will cover the average  $1\frac{1}{2}$  hours. Every day I will be asked to deliver 10 to 30 letters. Four peons will have to do such delivery work every day. Two of these delivery peons will go on cycle and the other two by walking. The area has been divided into four divisions and each delivery peon is allotted with one of these divisions. After 1 P.M. I will go home and eat and return to the Bank before 3 P.M. From 3 P.M. to 5 P.M. I shall attend to counter work. By counter work I mean helping the work of the Bank in doing business with constituents during office hours. From 5 P.M. to 6 P.M. I will have to sort vouchers. Then I would go home. Between 5 P.M. and 6 P.M. four peons would be sorting vouchers and the other peon will be attending the clerks. The two cycles belong to the office. The other two do not have cycles of their own nor does the office give them cycles."

17. The picture given above so far the duties of the peons are concerned is well indicative of the fact that the formula evolved that one peon would do with 4 or 5 clerks does not bear scrutiny inasmuch as the nature of work in the branch is such that the number of peons cannot be co-related with the number of clerks but their strength should be considered from the nature of the duties and the scope of the work inside the office as well as outside the office for delivery of letters etc. Again, this is not the only factor. The actual working of the office with the help of the peons has also been explained by the witnesses adduced by both sides and leaving the Union's evidence for the sake of argument even the employer's evidence shows that atleast 3 if not 4 peons are necessary in each branch.

18. The institution of peons may be looked askance when considered from the stand point that some peons in gilded uniforms are attached with some offices sheer for display and ostentation or to maintain the power and prestige of an officer for escort, parade or mere salutation; but in view of variety of duties and magnitude of work in commercial concerns, this institution is a part of business and has become a necessary concomitant of each office and so long it is not established that the work-load does not require the number of Peons working, the presumption would naturally be that the case for reduction was not made out. The another aspect of the question is that the management initially conceived for the reduction of staff in all categories but ultimately after going through negotiations in the tripartite conference before the Conciliation Officer they did not touch the clerical

class but only one category of subordinate staff viz. the Peons was retrenched. Shri Ramanujam, Union representative, in the course of arguments as said above, stressed that so long as no revision was made in clerical staff correspondingly there could not be any reduction in menial staff in regard to the workload. No reply was given to this argument by the other side. Shri Lakkappara of course argued that the complaints of the Agents were of no consequence because they were accustomed to a certain procedure and when the number of peons was reduced they felt difficulty for sometime but now they have adjusted themselves. The argument was further stressed that the peons now working did not complain that more work was given to them. This is correct that no peon has come forward to depose but it can be well understood as to whether they could be courageous enough to complain and when the Agents in so many words made representations that their work was hampered on account of the lesser number of peons, the lacking on the part of peons to come forward does not detract in any way from the evidential value of the Agents complaints. The other part of the argument that they have now adjusted also appears to be fallacious as evidenced by the reply given to the Agents by the management. This is given in Ex/7(a). It reads as follows:

Ex/7(a):

THE INDIAN BANK LIMITED

Staff:

10th November, 1951.

Private and Confidential

Dear Mr. Ranganatha Prabhu,

With reference to your letter of 6th instant, the recent retrenchment of peons was made by the Board and in pursuance of a policy formulated by them. We regret it will not be possible for us to reconsider the matter or vary the orders of the Board as the strength of the menial staff at your branch has been fixed on the present level by the Directors as a matter of policy. We do not want that you should ask us to go behind such policy.

Yours faithfully,

Shri K. Ranganatha Prabhu,  
Agent, The Indian Bank Ltd.,  
Kottayam.

D. P. PARTHASARATHY.

The use of the words "policy" and 'that you should not ask' are significant and it can be safely inferred from this that the management wanted to stick to their policy of retrenchment notwithstanding of the fact that the retrenchment caused inconvenience, annoyance and impediment in the actual working and after this directive, it is futile to plead that they have adjusted themselves. Of course they realized that silence and discretion were the better part of valour.

19. I think it would be repeating needlessly the same arguments if any more reference is made to the evidence which I have perused with some care and on anxious consideration I am of the considered opinion that the proposed retrenchment had direct connection with the publication of the All India Industrial Tribunal (Bank Disputes) award, reference to which was made in the circular dated 26th September 1950 (Ex/A) itself in the following manner.

Ex/A: "Though the management was anxious to tackle this question earlier, they did not do so on account of pendency of the proceedings before the All India Industrial Tribunal (Bank Disputes). But in view of the financial implications of the recent award, it has now no option but to retrench the superfluous staff. The management is also considering other methods of reducing expenditure but a great part of the saving will have to be made by retrenchment of the excess staff.

The management is anxious that in this matter they must have the co-operation of the staff and would gladly receive and sympathetically consider any suggestion they may wish to make in this matter."

20. Now the All India Industrial Tribunal (Bank Disputes) award was published in August 1950 and in the absence of any evidence brought on the record from the employer side that the management was anxious to tackle the question earlier as said by them in this circular it goes without saying that it was the award which set them a-thinking to review the whole position. In other words it was felt, that the revision of the scales of salaries must entail more expenditure to the extent of three lacs in the first year and rupees ten lacs in subsequent three years and that saving could be made to meet this extra expenditure by reducing the staff. The

Important question before the management obviously was as to whether this reduction in staff was the only course and was it feasible or some other avenues could be explored of saving or even to bear the strain on their finance which admittedly was not very heavy. It appears that they thought of counter-acting the effect of the award straightaway by making reduction in the number of employees. I do not say that it was not their right to think this way. What I find from the evidence is that they were irritated and made it a point to retrench some of the employees from all categories to counteract the benefits of the All India Industrial Tribunal (Bank Disputes) award and in pursuance of this policy they did not care as to how it would affect the labour and issued notices to 263 employees of all categories. Furthermore, although it was mentioned in the circular (Ex/A) quoted above that they would gladly receive and sympathetically consider any suggestion from the staff that they may wish to make in this matter yet notices of proposed termination of service were issued (Ex/3) on 5th October 1950 i.e. a week or so after without attending to the representation made by the Secretary of the Employees Union to the Bank (Ex/B) or waiting for due period of time. The President of the Employees Union made another detailed representation (Ex/D) dated 12th October 1950 to the Directors i.e. wherein he not only protested against the step taken by the Bank but furthermore made some tangible suggestions for serious consideration as to how some saving could be made if it was actually required. I feel tempted to reproduce the relevant extracts from this communication:

Ex/D. (pp.3-4):

"I hear that by following the procedure suggested by me above, the additional financial burden that the Bank may have to shoulder upto 1951 August cannot be more than (say) Rupees Two and a Half Lakhs; and if Income-tax deduction is taken into account the figure reduces itself to the farcically low amount of Rupees One and a Half Lakhs at worst. It must be obvious to you that this amount can be saved by effecting easy economies at the top, like greater supervision over Stationery and Postal expenses, a slight cut in the salaries of Officers at the very top, a slight reduction in dividends declared (personally I think this may not be necessary at all if the other items of economy are properly handled), a stricter attitude towards bad debts, a bolder, if not more speculative policy regarding new business, etc., and the Union is always prepared to lend its full moral weight to the Bank in exhorting the employees to turn out all work in the most efficient and profitable manner possible."

The Union President also made an offer that representatives of the Union were prepared to meet the Board of Directors at any time that may be fixed by mutual consultation and agreement in order to promote good will between the Bank and their employees. The communication was closed with an appeal made in the penultimate paragraph which reads as follows:

Ex/D (p. 6).

"My Union now extends its hands of good-will and fellowship to the Indian Bank once more and for the last time. It is open to you, as a citizen and humanitarian, to accept the offer in the same spirit in which it is made; but if fate wills otherwise my employees want me to tell you that they "would lament waverdness of a parent that would repel the affections of a child."

But notwithstanding of having invited suggestions from the staff in the circular (Ex/A), this representation was not even acknowledged much less replied. The matter ultimately was brought into the notice of the Regional Labour Commissioner and some resolutions were also passed in general meeting of the employees union which were conveyed to the employer. The Regional Labour Commissioner as evidenced from Ex/H, dated 14th November, 1950, issued a notice to both sides proposing to hold conciliation proceedings in his office and the minutes of the conciliation proceedings make an interesting reading. In the first meeting it was agreed that the management of the Bank should reconsider their decision but in the second meeting Shri Rao, representative of the management, stated that the Directors had declined to reconsider the retrenchment of 263 employees. In this meeting it was however agreed that the records of the Bank relevant to these matters should be examined with a view to finding out whether there was any justification for this retrenchment or whether it could be avoided. Shri Rao asked for time to produce the relevant records and conciliation proceedings were adjourned to 11th December 1950. At the third sitting the record was not produced and it was stated by the Bank's side that with the publication of the All India Industrial Tribunal (Bank Disputes) award the management had gone

carefully into the question of minimum staff that would be required at each branch of the Bank to carry on the present work and it proposed to retrench the services of 263 employees in all categories. The Bank representative was questioned by the Conciliation Officer as to whether the management could produce any evidence to show that they had any surplus staff even before the appointment of the All India Industrial Tribunal (Bank Disputes). Shri Rao replied that the matter was not considered till then. This reply obviously runs counter to the position taken up by the management that they have carefully gone into the question of minimum staff. He was further questioned as to whether there was any reduction in work-load in recent past justifying retrenchment of proposed 263 men, Shri Rao stated that the work-load had gone down due to fall in deposits and advances. This reply when considered in the light of the Agents reports about the work-load collapses to scrutiny and in one sense was beside the question. After some discussion it was again agreed in this meeting that the Regional Labour Commissioner should look into the records of the Bank on 18th December 1950 to satisfy himself as to how far there had been reduction in work and how far the proposed retrenchment was justifiable. In the next adjourned sitting on 27th January 1951 a formula however was evolved for arriving at an amicable settlement and proceedings adjourned to 30th January 1951.

The formula reads as follows:

Ex/Q.

"Both the management and the Union agree that the proposed retrenchment of 263 employees be given up and that 50 percent. of them be considered for retrenchment in the beginning of August 1951, unless the financial position of the Bank shows definite improvement as revealed by the Balance-sheet for the half year ending 30th June 1951."

Again the proceedings of 30th January 1951 do not show that the record was produced and the Bank representative only stated that the Board of Directors duly considered the formula but they were unable to accept it in toto. It was further stated that as a compromise they were agreeable to retrench only 50% of 263 employees and to consider the question of retrenchment of remaining 50% in August 1951. The representatives of the Union on the other hand were agreeable to the original formula provided the retrenchment of the 50% of the employees was deferred to August 1951 and meanwhile, if necessary, the matter should be duly investigated by the Regional Labour Commissioner. The negotiations accordingly fell and as said above the dispute was referred for adjudication. All these facts and circumstances go to show that the management was motivated with a desire to nullify the effect of the said award and wittingly or unwittingly proceeded to give effect to their policy in such brusque manner which savours of utter disregard for work-load. At this stage it may also be pointed out that the failure in the negotiations was followed by a notice of strike sent by the employees and they also made an offer of an economic holiday for a temporary period till the position improved, whereby each employee was asked to go on one day extra holiday without pay in a whole year. The strike however did not materialize and was dropped as stated above. Now the outstanding argument of the Bank representative in the matter of retrenchment is that the principle of 'last come first go' has been strictly applied and the Union so far the record reveals has not challenged this assertion. This is so. But the real question which is to be answered is as to whether the retrenchment by itself was justified although it was effected according to a certain procedure. Judged in the light of the principles laid down by the Labour Appellate Tribunal in 'Vishwamitra Press' case, which was cited on behalf of the Bank, it is amply proved on the record that the work load has not decreased and when work-load as held by their lordships constitutes an extraneous motive, the irresistible conclusion would be that the retrenchment was not bona fide. Assuming that it is the prima facie right of the employer to determine the labour force but as said above the same has been now hedged with limitations under statutory provisions and when it appears that the right is not exercised in good faith but with extraneous consideration it must be reversed. The Bank's other plea is that they have opened new branches and several persons have been again taken back. Ex/4 is a list of retrenched peons re-appointed in the service relied upon by the Bank, which itself furnishes half a dozen instances in which the retrenched persons were sent not only in the new branch but in the old branches and in some cases the peon was made a watchman. One Shri Arunachalam, a peon, who was retrenched on 30th April 1951 was again re-appointed on 25th May 1951. Similarly, A. P. Thayunni Menon was retrenched in April but was re-appointed as watchman on 24th May 1951. These instances may not be multiplied as

Ex/4 reveals the whole position, but they clearly indicate that the work load had not decreased and the retrenchment was effected in an haphazard manner in pursuance of a certain policy wrongly adopted. The Union adduced evidence to this effect also that a large number of retrenched persons made applications for absorption but those applications did not elicit any reply. This bunch of applications was exhibited on the record as Ex/AAA as well as Ex/BBB (pp. 1-41), which were sent to the Secretary, Indian Bank Employees Union for extending his help in securing alternate employment. This mass of evidence amply shows that a large number of peons who were thrown out of employment have not yet been able to get alternate employment anywhere. Conscious as I am that financial stringency gives a right to the employer to review the position of the staff if any saving could be made I am still of the considered opinion that it is not every financial stringency that would warrant drastic action for saving but it must be of a sufficiently grave character and what has to be considered is whether the financial stringency is of such grave character as to necessitate the axe to be applied on terminating hands. The Bank representative frankly conceded that the Bank was in good sound position and the statement of finance filed by the management and the report of the Chairman of the Board of Directors (Ex/DDD) add to the testimony that there was no such grave financial stringency but the publication of the All India Industrial Tribunal (Bank Disputes) award, which necessitated some increase in the salaries of the employees all of a sudden, stirred the management to retrench some of the employees to save some money from that direction. What appears to me is that a policy was adopted in a perfunctory manner and the same was adhered to tenaciously although the negotiations before the Conciliation Officer, revealed their mistake to the management and they became conscious that they could not go whole hog by retrenching 263 persons as initially contemplated. They, however, wanted to make some retrenchment and the axe fell on the underdogs, so to say, without carefully looking into the matter as to whether the work would go on smoothly with the mutilated strength. The Agents were not consulted and their representations and protests were not with a stern answer that the policy must go. I would only say that that is not the way of collective bargaining and is much too contrary to the spirit of the Industrial Disputes Act which has been enacted with the object of promoting harmony between the labour and the capital for the security of service as well as the prosperity and progress of the business concern. My view is that the management stood on false prestige and when they once embarked upon a certain policy they wanted to see it through some how or other and to what-ever extent it could go. I am fortified in this view by the reply Ex/7(e) quoted above to one of the Agents who asked for more peons in his branch and urged that the work of the branch could not go with the existing strength of the peon. I think I must come to their rescue, and in doing so, it is significant to note here that in the case of 'Vishwamitra press' sufficient evidence was brought on the record to go into the case of each employee working in each section which furnished data for their lordships to consider the work for each section and in some cases reinstatement was allowed while in others the retrenchment was upheld. The other distinguishing factor in that case was that the workload was not found altogether heavy and from the particular facts it was concluded that although there may have been some necessity for retrenchment there were other circumstances which influenced the Management of the press in retrenching the employees and as such the retrenchment was not a bona fide one and motive for getting rid of the employees who were undesirable from the point of view of the management was present. Their lordships proceeded that atleast some had been discharged under the garb of necessity but really with the motive of victimizing them after the part they had taken in strike. In these circumstances the finding given in that case was of reinstatement in some cases only and in case of others retrenchment was upheld. But the facts of this case stand on different footing inasmuch as no evidence regarding each employee was brought on the record and the whole case was taken collectively and 90 peons were discharged on the basis of a certain formula. I am therefore not in a position to consider each individual case for want of data, and would direct the reinstatement of all the retrenched peons excepting those who have already been taken back in service. I would further observe that in case the management at any time wishes to consider the question of retrenchment of all categories again it could make out a case before the Regional Labour Commissioner or any other competent authority for permission to discharge under section 33 of the Act. The only other question to be considered is the payment of emoluments of these persons for the intervening period viz. from 30th April 1951 onward. Excepting those who have been re-employed as new hands all others would get full emoluments at the rate they were drawing at the time of discharge from 1st June 1951 to the date of reinstatement in as much as they have already received the salary of May 1951 in lieu of notice. In the case of 17 persons who have been re-appointed, the Union urged that it was the right of the Union to



pursue and agitate on their behalf on the basis of collective bargaining and that they cannot be treated as new hands. Particular reference was made to the observation made at page 6 of the Labour Intelligence (April 1949), in the case of W.I.A.A. and it was urged that their case stands at par with others. I have not been able to follow the line of argument as to how the Union can further agitate for them when they themselves had gone back on fresh terms as new hands. In the absence of any evidence that they were brought back under any undue influence or false pretence, it is impossible to accept the view advanced by the Union side. None of the 17 employees who have been re-appointed has come into the witness box to depose that they feel aggrieved having been taken afresh and as such I think I have no jurisdiction to enter into their case and my finding would apply only on the remaining retrenched persons i.e. (90—17)—73 persons. This would of course be left with the employer to absorb them in whatever branch they like preferably in the branches where they were working. The direction shall be carried out within one month with effect from the date, the award becomes operative.

Now, therefore, this Tribunal makes its award in terms aforesaid, this the 29th day of February 1952.

[No. LR-90(81).]

K. S. CAMPBELL-PURI *Chairman*,  
Central Government Industrial Tribunal, Calcutta.

*New Delhi, the 13th March 1952*

**S.R.O. 513.—Corrigendum.**—In the order of the Government of India in the Ministry of Labour No. S.R.O. 1961, dated the 28th November, 1951, published on pages 2110 and 2111 of the Gazette of India, Part II, Section 3, dated the 8th December, 1951 delete the words '*inter alia*'.

[No. LR.90(120).]

#### ORDER

*New Delhi, the 13th March 1952*

**S.R.O. 514.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Charki and Sugi Mica Mines in the State of Bihar and their workmen, in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad, constituted under section 7 of the said Act.

#### SCHEDULE

Payment to workmen of house rent allowance in lieu of quarters with effect from 1st July 1948.

[No. LR-2(364).]

N. C. KUPPUSWAMI, *Under Secy.*

*New Delhi, the 13th March 1952*

**S.R.O. 515.**—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby rescinds the Bombay Payment of Wages (Minor and Indian State Railways) Rules, 1937, and the Saurashtra Payment of Wages (Saurashtra Railways) Rules, 1949, three months' notice of their intention so to do having been given as required by sub-section (5) of the said section 26.

[No. Fac.49(8).]

**S.R.O. 516.**—In pursuance of sections 3 and 4 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. SS.21(2)(2) dated the 6th September, 1948, constituting the Employees' State Insurance Corporation, namely:—

In the said notification, after item No. 16, the following items shall be inserted as items 17 to 23 and the remaining items shall be renumbered accordingly:—

- “(17) Shri I. Ramchander Rao, Secretary to the Government of Hyderabad, Labour Department, Hyderabad.
- (18) Shri B. S. Puttaswami, Commissioner of Labour in Mysore, Bangalore.
- (19) Shri A. S. Banawalikar, Commissioner of Labour, Madhya Bharat, Indore.
- (20) Shri Rao Chandrapal Singh, Secretary to the Government of Rajasthan, Commerce, Industries and Labour Department, Jaipur.
- (21) Shri P. N. Krishna Pillai, State Labour Commissioner, Trivandrum.
- (22) Shri S. K. L. Budhiraja, Secretary to the Government of Patiala and East Punjab States Union, Industries, Supplies and Labour Department, Patiala.
- (23) Shri D. K. Badheka, Commissioner of Labour, Government of Saurashtra, Rajkot.”

[No. SS.121(57).]

**S.R.O. 517.**—In pursuance of section 10 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Labour No. SS.21(4), dated the 28th December, 1948, namely:—

In the said notification, after item No. 12, the following items shall be inserted as items 13 to 19 and the remaining items shall be renumbered accordingly:—

- “(13) Maj General S.L. Bhatia, M.A., M.D. (Cantab.), F.R.C.P. (Lond.), F.R.S. (E), I.M.S. (Retd.), Inspector General, Medical and Health Services, Government of Hyderabad.
- (14) Shri V. Lakshmana Rao Padke, M.B., B.S., Senior Surgeon, Government of Mysore.
- (15) Col. S. L. Gargya, L.R.C.P. (Lond.), M.R.C.S. (Eng.), Director of Health Services, Madhya Bharat, Gwalior.
- (16) Col. M. K. Kelavkar, I.M.S. (Retd.), Director of Medical and Health Services, Rajasthan, Jaipur.
- (17) Dr. M. Kunjukrishna Pillay, M.B., C.H.B., Industrial Hygiene Officer, Labour Department, Government of Travancore-Cochin.
- (18) Col. K. Rai, B.Sc. (Hons.), L.R.C.P. (Lond.), M.R.C.S. (Eng.), F.R.F.P.S., D.O.M.S. (Lond.), D.P.H. (Eng.), Director of Health Services, Government of Saurashtra.
- (19) Col. R. S. Marya, Director of Public Health and Medical Services, Patiala.”

[No. SS.121(58).]

*New Delhi, the 18th March 1952*

**S.R.O. 518.**—The following draft of an amendment to the Employees' State Insurance (Central) Rules, 1950, which it is proposed to make in exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948) is published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th April, 1952.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

*Draft Amendment*

In the said Rules for sub-rule (2) of rule 1 the following new sub-rule shall be substituted, namely:—

“(2) They extend to the whole of India except the State of Jammu and Kashmir.”

[No. SS.105(199)/I.]

**S.R.O. 519.**—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Central Government hereby makes the following amendment in the Workmen's Compensation (Transfer of Money) Rules, 1935, namely:—

In sub-rule (2) of rule 1 of the said rules for the words “except Part B States” the words “except the State of Jammu and Kashmir” shall be substituted.

[No. SS.105(199)/II.]

**S.R.O. 520.**—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Central Government hereby makes the following amendment in the Workmen's Compensation (Transfer of Money, Burma) Rules, 1938, namely:—

In sub-rule (2) of rule 1 of the said Rules for the words “except Part B States” the words “except the State of Jammu and Kashmir” shall be substituted.

[No. SS.105(199)/III.]

S. NEELAKANTAM, Dy. Secy.

*New Delhi, the 14th March 1952*

**S.R.O. 521.**—*Corrigendum.*—In the Notification of the Government of India in the Ministry of Labour No. S.R.O. 281 [M.43(4)50], dated the 8th February 1952, published in Part II Section 3 on page 286 of the Gazette of India dated the 16th February 1952, for “Mr. E.R. Dempster, Superintendent, Mosaboni Copper Mine, Ghatsila”, read “Mr. E.R. Dempster, General Manager, Indian Copper Corporation Limited, Moubhandar, Ghatsila”,

[No. M-43(4)/50.]

*New Delhi, the 17th March 1952*

**S.R.O. 522.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes with effect from the date of publication of this notification the minimum rates of wages specified in column 3 of the Schedule hereto annexed which shall be payable in respect of the class of employees serving under the authority administering the Port of Calcutta specified in column 2 of the said schedule, the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act.

Serial No. (1)	Class of employees (2)	Minimum monthly rates of wages (3)
		Rs.
	<i>Secretary's Department</i>	
1.	Stenographer . . . . .	180
2.	Clerk (Upper Division Selection) . . . . .	160
3.	Law Assistant . . . . .	150
4.	Head Telephone Operator . . . . .	100

(1)	(2)	(3)
		Rs.
5.	Clerk (Upper Division Ordinary)	80
6.	Telephone Operator	70
7.	Clerk (Lower Division)	60
8.	Typist	60
<i>Medical Department</i>		
9.	Clerk (Upper Division Ordinary)	80
10.	Compounder Dresser	60
11.	Clerk (Lower Division)	60
12.	Store-Keeper	60
13.	Telephone Clerk	60
14.	Assistant Store Keeper	60
<i>Welfare Office</i>		
15.	Stenographer	180
16.	Clerk (Upper Division Selection)	160
17.	Godown Keeper	80
18.	Assistant Godown Keeper	80
19.	Shop Clerk	80
20.	Clerk (Upper Division Ordinary)	80
21.	Comptometer Operator	80
22.	Delivery Clerk	60
23.	Cashier	60
24.	Canteen Manager	60
25.	Clerk (Lower Division)	60
26.	Shop Clerk	60
27.	Typist	60
<i>Health Office</i>		
28.	Clerk (Upper Division Selection)	160
29.	Clerk (Upper Division Ordinary)	80
30.	Clerk (Lower Division)	60
31.	Typist	60
32.	Sanitary Sub-Inspector	70
<i>Transport Section</i>		
33.	Clerk (Upper Division Selection)	160
34.	Clerk (Upper Division Ordinary)	80
35.	Store-Keeper	80
36.	Telephone Duty and Time Keeper Clerk	60
37.	Petrol Pump Clerk	60
38.	Clerk (Lower Division)	60
39.	Typist and Second Clerk	60
<i>Accounts Department</i>		
40.	Senior Cash Clerk	160
41.	Cheque Writer	160
42.	Stock Verifier	160
43.	Supervisor	160
44.	Head Measuring Clerk	160
45.	Measuring Clerk	160
46.	Calculator and Supervisor	160
47.	Stenographer	180
48.	Comptometer Operator	80
49.	Cashier—Grade I	80
50.	Accounting Machine Operator	80
51.	Cash Clerk	80
52.	Bill Clerk	80
53.	Clerk (Upper Division Ordinary)	80

(1)	(2)	(3)
		Rs.
54	Senior Cash Clerk and Cheque Writer . . . . .	80
55	Typist . . . . .	60
56	Cashier—Grade II . . . . .	60
57	Clerk (Lower Division) . . . . .	60

*Traffic Department*

58	Stenographer . . . . .	180
59	Pool Supervisor . . . . .	160
60	Assistant Shed Foreman . . . . .	160
61	Loading Supervisor . . . . .	100
62	Clerk (Upper Division Selection) . . . . .	160
63	Foreman (Tea Warehouse) . . . . .	160
64	Assistant Shed Foreman . . . . .	160
65	Supercargo . . . . .	160
66	Labour Foreman (Tea Warehouse) . . . . .	160
67	Shed Writer . . . . .	80
68	Forwarding Clerk . . . . .	80
69	Lock Fast Clerk . . . . .	80
70	Tally Supervisor . . . . .	80
71	Warehouse Writer . . . . .	80
72	Wine Godown Keeper . . . . .	80
73	Hazardous Godown Keeper . . . . .	80
74	Salvage Clerk . . . . .	80
75	Assistant Foreman . . . . .	80
76	Tally Foreman . . . . .	80
77	Clerk and Cashier . . . . .	80
78	Shunting Master . . . . .	80
79	Yard Clerk—Grade I . . . . .	80
80	Goods Clerk . . . . .	80
81	Accounts Clerk . . . . .	80
82	Control Room Head Clerk . . . . .	80
83	Assistant Loading Supervisor . . . . .	80
84	Freight Checker . . . . .	80
85	Clerk (Upper Division) . . . . .	80
86	Cashier . . . . .	80
87	Keeper, Moyapore Magazine . . . . .	80
88	Gunner . . . . .	80
89	Comptometer Operator . . . . .	80
90	Telephone Clerk . . . . .	60
91	Shed Clerk . . . . .	60
92	Assistant Forwarding Clerk . . . . .	60
93	Relieving Clerk . . . . .	60
94	Warehouse Clerk . . . . .	60
95	Wharf Clerk . . . . .	60
96	Teacher . . . . .	60
97	Control Room Clerk . . . . .	60
98	Clerk (Lower Division) . . . . .	60
99	Yard Clerk—Grade II . . . . .	60
100	Typist . . . . .	60

*Chief Engineer's Department*

101	Stenographer . . . . .	180
102	Senior Draftsman . . . . .	180 (for new entrants)
		180 (for old entrants)
103	Clerk (Upper Division Selection) . . . . .	180
104	Adding Machine Operator . . . . .	80
105	Comptometer Operator . . . . .	80
106	Clerk (Upper Division) . . . . .	80
107	Time-Keeper and Stone Clerk . . . . .	80
108	Assistant Record Clerk . . . . .	80
109	Assistant Ballast Supervisor . . . . .	100
110	Tracer . . . . .	80

(1)	(2)	(3)
		Rs.
111	Time Keeper . . . . .	60
112	Job Clerk . . . . .	60
113	Clerk (Lower Division) . . . . .	60
114	Typist . . . . .	60
<i>Deputy Conservator's Department</i>		
115	Senior Draftsman . . . . .	{ 180 (for old entrants) 160 (for new entrants)
116	Stenographer . . . . .	180
117	Draftsman . . . . .	160
118	Boat Traffic Supervisor . . . . .	160
119	Clerk (Upper Division Selection) . . . . .	160
120	Cashier (Boat Registration) . . . . .	80
121	Clerk (Upper Division) . . . . .	80
122	Tracer . . . . .	80
123	Clerk (Lower Division) . . . . .	60
124	Typist . . . . .	60
<i>Controller of Store's Department</i>		
125	Stenographer . . . . .	180
126	Supervisor . . . . .	160
127	Clerk (Upper Division Selection) . . . . .	160
128	Assistant Store Keeper . . . . .	80
129	Clerk (Upper Division) . . . . .	80
130	Store Clerk . . . . .	60
131	Clerk (Lower Division) . . . . .	60
132	Typist . . . . .	60
<i>Chief Mechanical Engineer's Department</i>		
133	Senior Draftsman . . . . .	{ 180 (for old entrants) 160 (for new entrants)
134	Clerk (Upper Division Selection) . . . . .	160
135	Draftsman . . . . .	140
136	Comptometer Operator . . . . .	80
137	Clerk (Upper Division) . . . . .	80
138	Clerk (Lower Division) . . . . .	60
139	Tracer . . . . .	80
140	Shop Clerk . . . . .	60
141	Typist . . . . .	60
142	Tracer Record Keeper . . . . .	60
<i>Port Pilotage Office</i>		
143	Stenographer . . . . .	180
144	Assistant Clearance Clerk . . . . .	80
145	Accounts Clerk . . . . .	80
146	Assistant Accounts Clerk . . . . .	80
147	Record Clerk . . . . .	80
148	Assistant Record Clerk . . . . .	80
<i>Land Manager's Department</i>		
149	Clerk (Upper Division Selection) . . . . .	160
150	Senior Draftsman . . . . .	160
151	Clerk (Upper Division) . . . . .	80
152	Draftsman . . . . .	140

(1)	(2)	(3)
		Rs.
153	Tracer . . . . .	80
154	Typist . . . . .	60
155	Clerk (Lower Division) . . . . .	60

NOTE.—The Cost of Living Allowance will be admissible at the following rates, adjusted at such intervals and in such manner as the Central Government may direct:—

On wages upto Rs. 50 p.m.	Rs. 40 p.m.
Rs. 51—100 p.m.	Rs. 50 „
Rs. 101—150 „	Rs. 55 „
Rs. 151—200 „	Rs. 60 „
Rs. 201—300 „	Rs. 65 „

[No. LWI-24(74).]

New Delhi, the 18th March 1952

**S.R.O. 523.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes the minimum rates of wages payable to the classes of employees specified in the Schedule annexed hereto and employed on road construction or in building operations and in stone breaking or stone crushing in such portions of the railways as are situate in the States of Madhya Pradesh, Bihar, Delhi and the Punjab, the same having been previously published as required by clause (b) of sub-section (1) of Section 5 of the said Act.

2. The aforesaid minimum rates of wages shall take effect from the date of this Notification.

## SCHEDULE

*Classes of employees employed on road construction or in building operations and in stone breaking or stone crushing in such portions of the railways as are situate in the States of Madhya Pradesh, Bihar, Punjab and Delhi.*

Serial No.	Name of the State	Class of employees	All inclusive minimum rates of wages
1	Madhya Pradesh	Employment on road construction or in building operations, and Employment in stone breaking or stone crushing.	Re. 1 per day for adult male at Nagpur town and in Bhandara and Balaghat Districts. Re. 0-14-0 in Wardha, Buldana, Akola, Nimar, Hoshangabad and Nagpur Districts (excluding Nagpur town). Re. 0-13-0 in Jabalpur, Katni and Sagar towns and places within 10 miles radius of these towns. Re. 0-12-0 in Amravati, Yeotmal, Betul and Chanda Districts. Re. 0-10-0 in Chhindwara and Mandla Districts and other areas in Jabalpur and Sagar Districts. Re. 0-9-0 in Raipur, Bilaspur, Durg, Raigarh, Bastar and Surguja Districts. Re. 0-10-0 per day for adult female at Nagpur town and in Wardha, Buldana, Akola, Nimar, Hoshangabad, Bhandara and Balaghat Districts, Jabalpur, Katni and Sagar towns and places within 10 miles radius of these towns.

Serial No.	Name of the State	Class of employees	All-inclusive minimum rates of wages
			<p>Re. 0-8-0 in Amravati, Yeotmal Betul, Nagpur (excluding Nagpur town), Chhindwara, Chanda and Mandal Districts and other areas in Jabalpur and Sagar Districts.</p> <p>Re. 0-7-0 in Raipur, Bilaspur Raigarh, Bastar, Surguja and Durg Districts.</p>
<p><i>N.B.</i>—The above rates are inclusive of cost of living allowance. The rates are subject to reduction on account of concessions in respect of supplies of essential commodities at concession rates supplied by the employer when so authorised under Section 11 of the Minimum Wages Act, 1948.</p>			
			<div> <div>Daily</div> <div>Monthly</div> </div>
			<div> <div>Rs. A. P.</div> <div>Rs. A. P.</div> </div>
2	Punjab	Employment on road construction or in building operations and in stone breaking or stone crushing.	
		1. Unskilled labour (Mazdoors, Beldars etc.)—	
		(a) Man . . . . .	1 12 0      45 0 0
		(b) Woman . . . . .	1 8 0      ..
		2. Concrete (Hand) Mixer . . . . .	1 12 0      45 0 0
		3. Survey Khalasi . . . . .	
		4. Chowkidar . . . . .	
		5. Mali . . . . .	
		6. Mato . . . . .	..      55 0 0
		7. Head Mali . . . . .	
		8. Head Survey Khalasi . . . . .	
		9. Daffadar . . . . .	
		10. Thatcher . . . . .	2 8 0      65 0 0
		11. Sawyer Helper . . . . .	2 8 0      65 0 0
		12. Fireman at Brick Kiln . . . . .	..      75 0 0
		13. Brick Moulders . . . . .	Rs. 4-4-0 for moulding one thousand bricks.
		14. Tile Moulders—	
		(i) 9" size . . . . .	Rs. 6-4-0 for moulding one thousand tiles.
		(ii) " size . . . . .	Rs. 7-4-0 for moulding one thousand tiles.
		15. Stone Breakers—	
		(i) Quartzite stone (for gauge of metal from 1½" to 2") . . . . .	Rs. 11 per hundred cubic feet.
		(ii) Sand stone (for gauge of metals from 1½" to 2") . . . . .	Rs. 7 per hundred cubic feet.
		(iii) Brick Ballast (gauge from 1½" to 2") . . . . .	Rs. 3-8-0 per hundred cubic feet.
			<div> <div>Daily</div> <div>Monthly</div> </div>
			<div> <div>Rs. A. P.</div> <div>Rs. A. P.</div> </div>
		16. Tar Sprayer . . . . .	2 4 0      60 0 0
		17. Bajri Spreader . . . . .	2 0 0      50 0
		18. Boilerman . . . . .	
		19. Bucketman . . . . .	
		20. Handleman . . . . .	
		21. Fireman . . . . .	
		22. Hole Driller . . . . .	
		23. Cleaner . . . . .	
		24. Quarry Operator . . . . .	
		25. Jumperman . . . . .	
		26. Hammerman . . . . .	
		27. Distemperer . . . . .	4 8 0      110 0 0



Serial No.	Name of the State	Class of employees	All-inclusive minimum rates of wages	
			Daily Rs. a. p.	Monthly Rs. a. p.
28.	Punjab	Brick Layer Class I . . . . .	4 8 0	116 0 0
29.		Stone Mason Class I . . . . .		
30.		Stone Chisler Class I . . . . .		
31.		Carpenter Class I . . . . .		
32.		Blacksmith Class I . . . . .		
33.		Pipe Fitter Class I . . . . .		
34.		Painter or Varnisher Class I . . . . .		
35.		Plumber Class I . . . . .	3 8 0	95 0 0
36.		Plasterer (Mason) Class I . . . . .		
37.		Brick Layer Class II . . . . .		
38.		Stone Mason Class II . . . . .		
39.		Stone Chisler Class II . . . . .		
40.		Carpenter Class II . . . . .		
41.		Blacksmith Class II . . . . .		
42.		Pipe Fitter Class II . . . . .		
43.		Painter or Varnisher Class II . . . . .		
44.		Plumber Class II . . . . .		
45.		Plasterer (Mason) Class II . . . . .		
46.		Glazier . . . . .		
47.		Wood Cutter . . . . .		
48.		Flour Polisher . . . . .		
49.		Well Sinker . . . . .		
50.		Caneman . . . . .		
51.		Stone Plasterer . . . . .		
52.		White Washing and Colour Washing Man . . . . .		
53.		Fitter for Bending Bars for reinforcement . . . . .		
54.		Sawyer (Arakshi) (i) Sawing of soft timber . . . . .	Rs. 6 per hundred square feet.	
		(ii) Sawing of hard timber . . . . .	Rs. 12 per hundred square feet.	
55.		Blaster (with Machak) . . . . .	2 8 0	..
56.		Steam Road Roller Driver . . . . .	..	95 0 0
57.		Lorry Driver . . . . .		
58.		Water Pump . . . . .		
		Mechanical Driver . . . . .		
59.		Mixer Mechanical Driver . . . . .	..	60 0 0
60.		Stone Crusher Mechanical Operator . . . . .		
61.		Boatman . . . . .	..	65 0 0
62.		Head Boatman . . . . .	..	65 0 0
2	Punjab	Employment on road construction or in building operations.		
		1. Adults—		
		(1) Beldar or Mazdoor (Male)	1 12 0	..
		(2) Beldar or Mazdoor (female)	1 8 0	..
		(3) Waterman or Chowkidars and Peons . . . . .	1 14 0	57 0 0
		(4) Other unskilled employees . . . . .	1 12 0	..
		2. Adolescents . . . . .	1 4 0*	..
		Employment in stone breaking and stone crushing.		
		1. Rock Breakers . . . . .	4 0 0	..
		2. Rock Stone Breakers . . . . .	3 0 0	..
		3. Stone Carriers . . . . .	2 0 0	..
		4. Adult unskilled male workers . . . . .	1 12 0	..
		5. Adult unskilled female workers . . . . .	1 8 0	..
		6. Adolescents . . . . .	1 4 0*	..

\* Note.—This rate will apply to all adolescents certified fit to work as adults.

Serial No.	Name of the State	Name of employees	All-inclusive minimum rates of wages	
			Daily Rs. a. p.	Monthly Rs. a. p.
4.	Bihar	Employment on road construction or in building operations	1 12 0	45 0 0
		Employment in stone breaking or stone crushing	1 12 0	45 0 0

[No. LWI-24(74).]

*New Delhi, the 19th March 1952*

**S.R.O. 524.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes the minimum rates of wages specified in the Schedule hereto annexed which shall be payable to contract labour employed by the Central Public Works Department in the States of Madhya Bharat and Mysore in connection with building operations, stone breaking or stone crushing, the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act.

2. The aforesaid minimum rates of wages shall take effect from the date of publication of this notification.

## SCHEDULE

All-inclusive minimum rates of wage, per day  
Rs. a. p.

*Madhya Bharat (Indore)*

(1)	Man-door Man	1 4 0
(2)	„ Woman	1 0 0
(3)	„ Boy above 12 years	0 12 0

*Mysore (Bangalore)—*

(1)	Man-door Man	1 8 0
(2)	„ Woman	1 0 0
(3)	„ Boy above 12 years	1 0 0

[No. LWI-24(33).]

**S.R.O. 525.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes the minimum rates of wages payable to the employees of the Oil Press Section of the Medical Store Depots at Bombay and Madras specified in the Schedule annexed hereto, the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act.

2. The aforesaid minimum rates of wages shall take effect from the date of this Notification.

## SCHEDULE

Minimum monthly basic rate of wages	Cost of Living Allowance per month
Rs. 35	Rs. 40

**NOTE.**—The Cost of Living Allowance will be adjusted at such intervals and in such manner as the Central Government may direct.

[No. LWI-24(96).]

*New Delhi, the 20th March 1952*

**S.R.O. 526.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby fixes the minimum rates of wages payable to the classes of contract labour of the Central Public Works Department specified in the schedule annexed hereto and employed in the State of Uttar Pradesh, the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act.

2. The aforesaid minimum rates of wages shall take effect from the date of this notification.

## SCHEDULE

Serial No.	Categories of employees	All inclusive minimum rates of wages per day
		Rs.    G.    P.
1	Bandhani . . . . .	3   0   0
2	Blacksmith I Class . . . . .	5   0   0
3	Blacksmith II Class . . . . .	4   8   0
4	Brick Moulder . . . . .	2   8   0
5	Carman . . . . .	3   0   0
6	Carpenter I Class . . . . .	5   0   0
7	Carpenter II Class . . . . .	4   8   0
8	Chowkidar . . . . .	1   12   0
9	Fitter I Class . . . . .	5   0   0
10	Fitter II Class . . . . .	4   0   0
11	Glazier . . . . .	4   0   0
12	Mason I Class . . . . .	5   0   0
13	Mason II Class . . . . .	4   8   0
14	Stone Cutter I Class . . . . .	5   0   0
15	Stone Cutter II Class . . . . .	4   8   0
16	Mate . . . . .	3   0   0
17	Mistry . . . . .	5   0   0
18	Painter . . . . .	4   0   0
19	Sprayman (for roads) . . . . .	3   0   0
20	Thatcher . . . . .	2   12   0
21	Rock cutting labour, Excavator, Breaker, Driller etc. . . . .	2   12   0
22	Bullock cart double . . . . .	12   0   0
23	Bullock cart single . . . . .	8   0   0

[No. LWI-24(74).]

P. N. SHARMA. Under Secy.

